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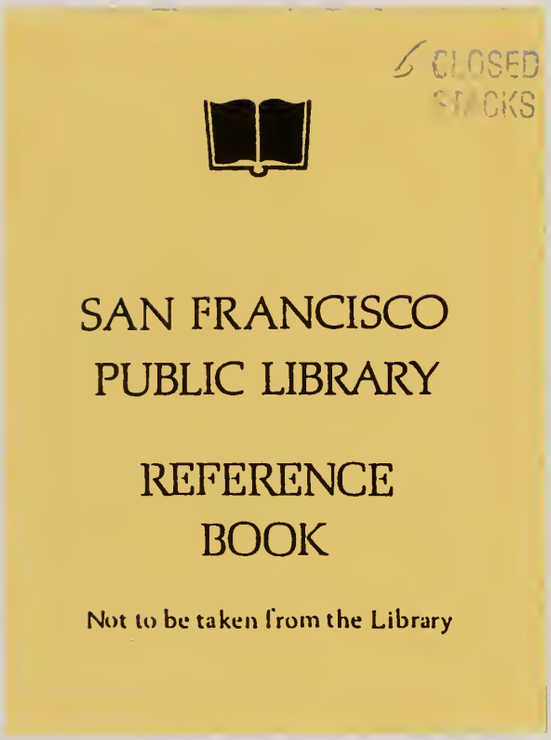

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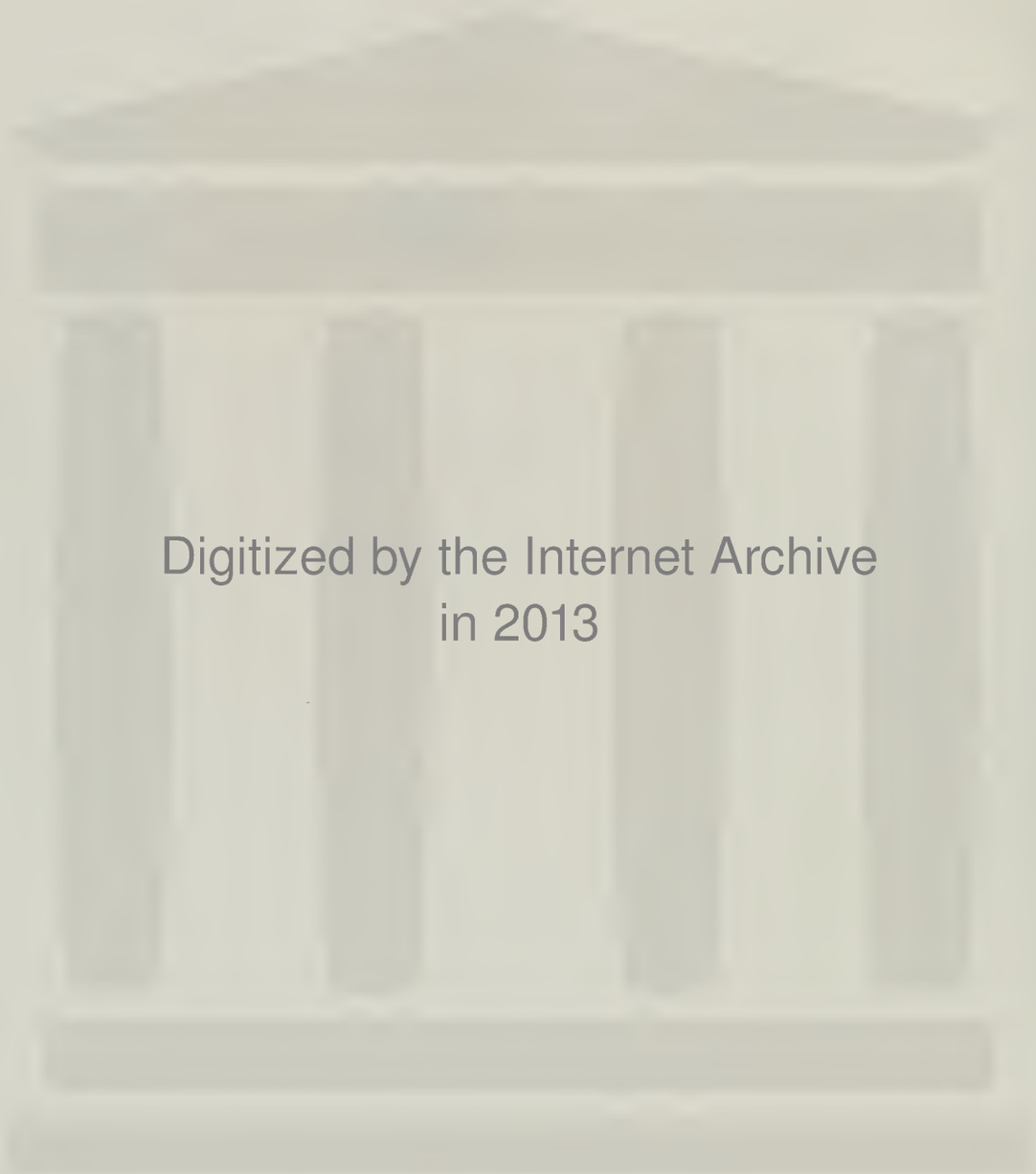

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MINUTES

MEETING OF THE BOARD OF PERMIT APPEALS

A) APPELLANT
D) DEPARTMENTAL REPRESENTATIVE
P) PERMIT HOLDER AND SUPPORTERS
S) SUPPORT FOR DEPARTMENT

CONVENED: 5:10 P.M.
ADJOURNED: 10:50 P.M.

WEDNESDAY, JANUARY 4, 1989

5:00 P.M., ROOM 282, CITY HALL

OMMISSIONERS PRESENT: MARKS, MAKRAS, HOUSE, MELBOSTAD, PRIOR. *(VICE PRESIDENT KRAS LEFT THE MEETING AT 6:17 p.m. and returned at 7:30 p.m.)*

MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:

REQUESTS FOR REHEARING:

ITEM 1: Letter from Barbara Meskunas requesting rehearing of Appeals No. 88-246, 88-247, 88-248 and 88-249 (Yerba Buena Plaza West Housing Project). Hearing December 7, 1988. Appellant protested the issuance of permits to erect structures at 1717 Eddy Street, 1150 Scott Street, 1851 Eddy Street and 1750 Turk Street. Upon motion of Commissioner Melbostad, the Board voted 5-0 to grant the permit subject to conditions. Findings of fact adopted December 7, 1988.

TION: UPON MOTION OF COMMISSIONER HOUSE, THE BOARD VOTED 5-0 NOT TO REHEAR THESE APPEALS.

ITEM 2: Letter from Barbara Meskunas requesting rehearing of Appeals No. 88-305, 88-306 and 88-307. Hearing December 14, 1988. Appellant appealed the issuance of three demolition permits to the San Francisco Housing Authority for the Yerba Buena Plaza West project. On September 14, 1988, upon motion of Vice President Makras, the Board voted 5-0 to uphold the Department and grant the permits.

TION: UPON MOTION OF COMMISSIONER PRIOR, THE BOARD VOTED NOT TO REHEAR THESE APPEALS.

ITEM 3: Letter from Martin Butschek requesting rehearing of Appeal No. 88-301. Hearing December 14, 1988. The appellant had appealed the Arts Commission's suspension of his Street Artist permit. Upon motion of President Marks, the Board voted 4-1 (Commisioner Melbostad dissenting) to uphold the Arts Commission's order.

TION: UPON MOTION OF COMMISSIONER MELBOSTAD, THE BOARD VOTED 5-0 NOT TO REHEAR THIS APPEAL.

ITEM 4: Letter from David Cincotta, Esq., on behalf of permit holder, A. Kotlyar, requesting rehearing of Appeals No. 88-237, 88-238 and 88-240. Hearing October 26, 1988. Upon motion of Vice President Makras, the Board voted 1-4 (Marks, House, Melbostad, and Prior dissenting) to uphold the department. The four dissenting votes overruled the department and the permit is denied. On November 30, 1988, the Board voted 5-0 to adopt the findings and not to rehear this appeal.

TION: UPON MOTION OF COMMISSIONER MAKRAS, THE BOARD VOTED 5-0 NOT TO REHEAR THESE APPEALS.

ITEM 5: Letter from Dennis A. Lee, Esq., on behalf of appellant, Eileen L. F. Leung, requesting rehearing of Appeals No. 88-230 and 88-231. Appellant was denied permits to Demolish a Building and Erect a Structure at 798-26th Avenue. Upon motion of Commissioner Melbostad to uphold the Planning Commission's denial, Board voted 2-3 with Commissioners House, Makras and Prior voting to overrule. Four votes needed to overrule a department, the denial is upheld and the permits are not granted.

TION: UPON MOTION OF PRESIDENT MARKS, THE BOARD VOTED 3-2 NOT TO REHEAR THESE TWO APPEALS (HOUSE PRIOR DISSENTED). THE APPEALS WILL NOT BE REHEARD.

REQUEST FOR JURISDICTION BEYOND THE 10-DAY REHEARING PERIOD:

ITEM 6: Letter from M. Brett Gladstone, Esq., on behalf of Anthony Brown and Kathleen Brown and the owners of twelve (12) properties nearby asking the Board to rehear Appeal No. 88-150. Appeal heard June 29, 1988. The appellant, R & D Capital, appealed the San Francisco Zoning Administrator's Interpretation and Application on June 3, 1988, of Section 150 of the Planning Code for property at 3741 Buchanan Street in NC-2 (SMALL SCALE NEIGHBORHOOD COMMERCIAL) DISTRICT. On June 29, 1988, upon motion of Vice President Makras, the Board voted 4-0 to overrule the Department (Commissioner Prior was absent). On July 18, 1988, findings of fact were adopted. The decision was released to departments August 3, 1988. No request for a rehearing from the principals involved was filed at that time.

Item 11 below is an appeal of the granting of a variance for the same project. Appeal No. V88-312.

TION: UPON MOTION OF COMMISSIONER MELBOSTAD, THE BOARD VOTED 5-0 NOT TO TAKE JURISDICTION THIS MATTER.

FOR ADOPTION OF FINDINGS ONLY: Public hearing closed.

ITEM 7: Appeal No. V88-265. Hearing December 7, 1988. Appellant had protested the issuance of Exposure of a Dwelling Unit Variance sought for property located at 1555 Lombard Street and 30½ Blackstone Court. Upon motion of President Marks, the Board voted 4-1 (Makras dissenting) to overrule the Department and deny the variance.

CTION: CONSIDERATION OF THIS MATTER CONTINUED TO JANUARY 18, 1989.

ITEM 8: Appeal No. 88-266. Hearing November 30, 1988. The appellant had protested the revocation of Massage Establishment Permit at 738 Larkin Street. Upon motion of Commissioner Prior, the Board voted 3-2 (Marks and Melbostad dissenting) to uphold the department and revoke the permit. The permit was revoked.

CTION: UPON MOTION OF COMMISSIONER MELBOSTAD, THE BOARD VOTED 3-2 TO ADOPT THE AMENDED FINDINGS MAKRAS AND PRIOR DISSENTED). SPEAKERS: (D) JERRY AKINS, ESQ., SFPD (A) THOMAS STEEL, ESQ., D) JUDY BOYAJIAN, ESQ, DEPUTY CITY ATTORNEY.

) PUBLIC COMMENT: Presentation shall be limited to three (3) minutes for each speaker.

) SPEAKERS.

APPEAL NO. 88-262

OLYMPIC AUTO REPAIR, Appellant
) vs.
FIRE DEPARTMENT, Respondent

[Denial on September 29, 1988,
[of application for a Garage,
[Public Repair permit at
[690 - 25th Avenue.
[APPLICATION NO. 880077.
[FOR REHEARING TODAY. (11/22)

CTION: UPON MOTION OF COMMISSIONER MAKRAS, THE BOARD OTED 5-0 TO UPHOLD THE DEPARTMENT AND DENY THE PERMIT. PEAKERS: (D) CAPTAIN CHARLES FARRELL, S.F.F.D. LT. ATERSON, S.F.F.D. (D) ROBERT W. PASSMORE, ZONING ADMINISTRATOR.

APPEAL NO. 88-311

JOHN CRACAS, Appellant
) vs.
ARTS COMMISSION, Respondent

[Suspension of one (1) week
[on November 9, 1988, of
[Street Artist permit for
[various locations.
[(November 23 - 29, 1988).
[FOR HEARING TODAY. (1/7)

CTION: UPON MOTION OF COMMISSIONER PRIOR, THE BOARD OTED 3-1 TO OVERRULE THE DEPARTMENT, FOUR VOTES NEEDED O OVERRULE A DEPARTMENT, THE COMMISSION IS UPHELD. PEAKERS: (D) WALLACE BROWN, FORMER ARTS COMMISSION INSPECTOR (D) HOWARD LAZAR, DIRECTOR, STREET RTIST PROGRAM (A) MARTIN BUSCHUEK (A) JOHN CRACAS.

APPEAL NO. 88-313

MANUEL GABAC, Appellant
) vs.
DEPT. PUBLIC WORKS, Respondent

[Appealing for Refund of Penalty
[Imposed on November 30, 1988,
[for work done at 236 5th Avenue.
[APPLICATION NO. 8818727.
[FOR HEARING TODAY. (1/9)

CTION: UPON MOTION OF COMMISSIONER HOUSE, THE BOARD OTED 4-0 TO UPHOLD THE ORDER OF THE DEPARTMENT. PEAKER: (A) MANUEL GABAC.

APPEAL NO. 88-314

IZKO POSLAVSKY, Appellant
) vs.
DEPT. PUBLIC WORKS, Respondent

[Imposition of Penalty on
[December 1, 1988, for
[work done without a permit
[at 1588 - 18th Avenue.
[FOR HEARING TODAY. (1/10)

CTION: UPON MOTION OF COMMISSIONER HOUSE, THE BOARD OTED 4-0 TO REDUCE THE PENALTY. FINDINGS ADOPTED. PEAKERS: (A) IZKO POSLAVSKY (D) LAWRENCE CORNFIELD, DPW.

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HE COURT REPORTER SWORE IN THOSE WHO WERE TO GIVE TESTIMONY IN THE FOLLOWING APPEAL.

APPEAL NO. 88-315

ALAN LAWSON, dba "BLUE SKY SPA",
) vs. Appellant
POLICE DEPARTMENT,
Respondent

[Denial on November 22, 1988,
[of a Massage Establishment
[permit at 738 Larkin Street.
[FOR HEARING TODAY. (1/11)

CTION: UPON MOTION OF COMMISSIONER HOUSE, THE BOARD VOTED 4-1 (COMMISSIONER PRIOR DISSENTED) O OVERRULE THE DEPARTMENT AND GRANT THE PERMIT SUBJECT TO CONDITIONS. SPEAKERS: (D) JERRY KINS, ESQ., (D) POLICE OFFICER KEITH TAMURA OF THE BURLINGAME POLICE DEPARTMENT (D) SGT CURRAN, .F.P.D. (A) THOMAS STEEL, ESQ., (A) ALAN LAWSON.

APPEAL NO. 88-308

GREATER WEST PORTAL NEIGHBORHOOD
ASSOCIATION, Appellants
) vs.
PLANNING COMMISSION, Respondent

[Protesting issuance on
[November 21, 1988 to
[Gerard Svazlian, permit
[Alter a Building at
[66 Wawona Street.
[APPLICATION NO. 8716767.
[FOR HEARING TODAY. (1/2)

CTION: UPON MOTION OF VICE PRESIDENT MAKRAS, THE BOARD OTED 4-1 TO UPHOLD THE DEPARTMENT AND GRANT THE PERMIT UBJECT TO CONDITIONS. SPEAKERS: (A) HOWARD STRASSNER O) ROBERT PASSMORE (P) GERARD SVAZLIAN (A) JACK LIM (A) JUDITH FINE (P) GABE EBE

APPEAL NO. 88-309

BELLBERTA VINE HOMEOWNERS,
) vs. Appellants
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[November 14, 1988, to
[Ronald J. Rescino, permit
[to Erect a Structure
[at 75 Alberta Street.
[APPLICATION NO. 8715903.
[FOR HEARING TODAY. (1/7)

CTION: UPON MOTION OF COMMISSIONER HOUSE, THE BOARD OTED 5-0 TO UPHOLD THE DEPARTMENT AND GRANT THE PERMIT. PEAKERS: (A) CARLOS DOMINGUEZ (A) CLIFFORD BOSSE O) ROBERT W. PASSMORE (P) RAY BINI (A) RONALD RESCINO

APPEAL NO. 88-310

MARVIN CRAWFORD, Appellant
0) vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[November 16, 1988, to
[Ann S. Weeks, permit
[to Alter a Building at
[3875 - 19th Street.
[APPLICATION NO. 8813264.
[FOR HEARING TODAY. (1/7)

CTION: MOTION OF COMMISSIONER PRIOR, THE BOARD VOTED 5-0) UPHOLD THE DEPARTMENT AND GRANT THE PERMIT. PEAKERS: (A) STEPHEN KENNEDY (P) ARLENE CURRY

APPEAL NO. V88-312

ANTHONY BROWN, Appellant
1) vs.
ZONING ADMINISTRATOR, Respondent

[Protesting issuance on
[November 14, 1988, to
[R & D Capital, of
[Rear Yard Variance sought
[for property located at
[3739 - 41 Buchanan Street.
[VARIANCE CASE NO. 88.540V.
[FOR HEARING TODAY. (1/8)

OTION: UPON MOTION OF VICE PRESIDENT MAKRAS, THE BOARD OTED 5-0 TO GRANT THE VARIANCE SUBJECT TO CONDITIONS. IE BOARD ADOPTED THE ZONING ADMINISTRATOR'S FINDINGS ID CONDITIONS. PEAKERS: (A) ANTHONY BROWN (A) BRETT GLADSTONE, ESQ., O) ROBERT W. PASSMORE (P) JIM REUBEN (P) ED TOWER, ARCHITECT (D) JUDY BOYAJIAN, DEPUTY CITY TTORNEY.

2) Consideration of draft legislation concerning illegal dwelling units. Referred by Department of City Planning for comment and recommendation.

PEAKERS: NANCY GIN, ROBERT PASSMORE.

3) PUBLIC COMMENT: Presentation shall be limited to three (3) minutes for each speaker.

) SPEAKERS.

M I N U T E S

There being no further business to come before the Board, President Marks adjourned the meeting at 10:50 p.m.

Robert H. Feldman

Robert H. Feldman, Executive Director

TRANSCRIPTS OF THESE HEARINGS MAY BE OBTAINED FROM DORIS LEVINE, OFFICIAL COURT REPORTER TELEPHONE (415) 456-9899.

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MINUTES

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JAN 26 1989

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MEETING OF THE BOARD OF PERMIT APPEALS

(A) APPELLANT
(D) DEPARTMENTAL REPRESENTATIVE
(P) PERMIT HOLDER AND SUPPORTERS
(S) SUPPORT FOR DEPARTMENT

CONVENED: 5:10 P.
ADJOURNED: 10:50 P.

WEDNESDAY, JANUARY 4, 1989

5:00 P.M., ROOM 282, CITY HALL

OMMISSIONERS PRESENT: MARKS, MAKRAS, HOUSE, MELBOSTAD, PRIOR. *(VICE PRESIDENT AKRAS LEFT THE MEETING AT 6:17 p.m. and returned at 7:30 p.m.)*

) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUESTS FOR REHEARING:

ITEM 1: Letter from Barbara Meskunas requesting rehearing of Appeals No. 88-246, 88-247, 88-248 and 88-249 (Yerba Buena Plaza West Housing Project). Hearing December 7, 1988. Appellant protested the issuance of permits to erect structures at 1717 Eddy Street, 1150 Scott Street, 1851 Eddy Street and 1750 Turk Street. Upon motion of Commissioner Melbostad, the Board voted 5-0 to grant the permit subject to conditions. Findings of fact adopted December 7, 1988.

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FOR ADOPTION OF FINDINGS ONLY: Public hearing closed.

ITEM 7: Appeal No. V88-265. Hearing December 7, 1988. Appellant had protested the issuance of Exposure of a Dwelling Unit Variance sought for property located at 1555 Lombard Street and 30½ Blackstone Court. Upon motion of President Marks, the Board voted 4-1 (Makras dissenting) to overrule the Department and deny the variance.

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) PUBLIC COMMENT: Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS.

APPEAL NO. 88-262

OLYMPIC AUTO REPAIR, Appellant
vs.
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[Denial on September 29, 1988,
[of application for a Garage,
[Public Repair permit at
[690 - 25th Avenue.
[APPLICATION NO. 880077.
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APPEAL NO. 88-311

JOHN CRACAS, Appellant
vs.
ARTS COMMISSION, Respondent

[Suspension of one (1) week
[on November 9, 1988, of
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[FOR HEARING TODAY. (1/7)

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APPEAL NO. 88-313

MANUEL GABAC, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Appealing for Refund of Penalty
[Imposed on November 30, 1988,
[for work done at 236 5th Avenue.
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TION: UPON MOTION OF COMMISSIONER HOUSE, THE BOARD TED 4-0 TO UPHOLD THE ORDER OF THE DEPARTMENT. EAKER: (A) MANUEL GABAC.

APPEAL NO. 88-314

IZKO POSLAVSKY, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Imposition of Penalty on
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[work done without a permit
[at 1588 - 18th Avenue.
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HE COURT REPORTER SWORE IN THOSE WHO WERE TO GIVE TESTIMONY IN THE FOLLOWING APPEAL.

APPEAL NO. 88-315

ALAN LAWSON, dba "BLUE SKY SPA",
) vs. Appellant
POLICE DEPARTMENT,
Respondent

[Denial on November 22, 1988,
[of a Massage Establishment
[permit at 738 Larkin Street.
[FOR HEARING TODAY. (1/11)

CTION: UPON MOTION OF COMMISSIONER HOUSE, THE BOARD VOTED 4-1 (COMMISSIONER PRIOR DISSENTED) O OVERRULE THE DEPARTMENT AND GRANT THE PERMIT SUBJECT TO CONDITIONS. SPEAKERS: (D) JERRY KINS, ESQ., (D) POLICE OFFICER KEITH TAMURA OF THE BURLINGAME POLICE DEPARTMENT (D) SGT CURRAN, .F.P.D. (A) THOMAS STEEL, ESQ., (A) ALAN LAWSON.

APPEAL NO. 88-308

GREATER WEST PORTAL NEIGHBORHOOD
ASSOCIATION, Appellants
) vs.
PLANNING COMMISSION, Respondent

[Protesting issuance on
[November 21, 1988 to
[Gerard Svazlian, permit
[Alter a Building at
[66 Wawona Street.
[APPLICATION NO. 8716767.
[FOR HEARING TODAY. (1/2)

CTION: UPON MOTION OF VICE PRESIDENT MAKRAS, THE BOARD OTED 4-1 TO UPHOLD THE DEPARTMENT AND GRANT THE PERMIT UBJECT TO CONDITIONS. SPEAKERS: (A) HOWARD STRASSNER D) ROBERT PASSMORE (P) GERARD SVAZLIAN (A) JACK LIM (A) JUDITH FINE (P) GABE EBE

APPEAL NO. 88-309

BELLBERTA VINE HOMEOWNERS,
)) vs. Appellants
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[November 14, 1988, to
[Ronald J. Rescino, permit
[to Erect a Structure
[at 75 Alberta Street.
[APPLICATION NO. 8715903.
[FOR HEARING TODAY. (1/7)

CTION: UPON MOTION OF COMMISSIONER HOUSE, THE BOARD OTED 5-0 TO UPHOLD THE DEPARTMENT AND GRANT THE PERMIT. PEAKERS: (A) CARLOS DOMINGUEZ (A) CLIFFORD BOSSE D) ROBERT W. PASSMORE (P) RAY BINI (A) RONALD RESCINO

APPEAL NO. 88-310

MARVIN CRAWFORD, Appellant
.0) vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[November 16, 1988, to
[Ann S. Weeks, permit
[to Alter a Building at
[3875 - 19th Street.
[APPLICATION NO. 8813264.
[FOR HEARING TODAY. (1/7)

CTION: MOTION OF COMMISSIONER PRIOR, THE BOARD VOTED 5-0 O UPHOLD THE DEPARTMENT AND GRANT THE PERMIT. PEAKERS: (A) STEPHEN KENNEDY (P) ARLENE CURRY

APPEAL NO. V88-312

ANTHONY BROWN, Appellant
(1) vs.
ZONING ADMINISTRATOR, Respondent

[Protesting issuance on
[November 14, 1988, to
[R & D Capital, of
[Rear Yard Variance sought
[for property located at
[3739 - 41 Buchanan Street.
[VARIANCE CASE NO. 88.540V.
[FOR HEARING TODAY. (1/8)

OTION: UPON MOTION OF VICE PRESIDENT MAKRAS, THE BOARD OTED 5-0 TO GRANT THE VARIANCE SUBJECT TO CONDITIONS. HE BOARD ADOPTED THE ZONING ADMINISTRATOR'S FINDINGS ND CONDITIONS. PEAKERS: (A) ANTHONY BROWN (A) BRETT GLADSTONE, ESQ., D) ROBERT W. PASSMORE (P) JIM REUBEN (P) ED TOWER, ARCHITECT (D) JUDY BOYAJIAN, DEPUTY CITY TTORNEY.

2) Consideration of draft legislation concerning illegal dwelling units. Referred by Department of City Planning for comment and recommendation.

PEAKERS: NANCY GIN, ROBERT PASSMORE.

3) PUBLIC COMMENT: Presentation shall be limited to three (3) minutes for each speaker.

O SPEAKERS.

MINUTES

There being no further business to come before the Board, President Marks adjourned the meeting at 10:50 p.m.

Robert H. Feldman, Executive Director

TRANSCRIPTS OF THESE HEARINGS MAY BE OBTAINED FROM DORIS LEVINE, OFFICIAL COURT REPORTER TELEPHONE (415) 456-9899.

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MINUTES

CONVENED: 5:11 P.M.
ADJOURNED: 10:00 P.M.

A) APPELLANT
D) DEPARTMENT REPRESENTATIVES
P) PERMIT HOLDER AND SUPPORTERS
S) SUPPORT FOR THE DEPARTMENT

MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, JANUARY 18, 1989
5:00 P.M., ROOM 282, CITY HALL

PRESENT: MARKS, MAKRAS, HOUSE, MELBOSTAD, PRIOR.

) MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:

FOR ADOPTION OF FINDINGS ONLY: Public hearing closed.

ITEM A: Appeal No. V88-265. Hearing December 7, 1988. Appellant had protested the issuance of Exposure of a Dwelling Unit Variance sought for property located at 1555 Lombard Street and 30½ Blackstone Court. Upon motion of President Marks, the Board voted 4-1 (Vice President Makras dissenting) to overrule the Department and deny the variance.

CTION: FINDINGS NOT AVAILABLE FOR CONSIDERATION.

ITEM B: Appeal No. 88-315. Hearing January 4, 1989. Appellant appealed the denial on November 22, 1988 by the S.F.P.D. of a massage establishment permit at 738 Larkin Street. Upon motion of Commissioner House the Board voted 4 - 1 (Commissioner Prior dissenting) to overrule the department and grant the permit with conditions.

CTION: BOARD VOTED 5-0 TO ADOPT FINDINGS AS AMENDED.

P) PUBLIC COMMENT: Presentation shall be limited to three (3) minutes for each speaker.

PEAKERS: Joseph O'Donoghue, Edith McMillan.

APPEAL NO. 88-303

3) BA THI GOLDBERG, dba "NIKKI'S MASSAGE," Appellant
vs.
POLICE DEPARTMENT, Respondent

[Suspension for sixty (60) days on November 14, 1988, of Massage Establishment permit at 1172 Sutter St. FOR HEARING TODAY. (1/2)

CTION: UPON MOTION OF VICE PRESIDENT MAKRAS, THE BOARD OTED 4-1 (COMMISSIONER MELBOSTAD DISSENTED) TO UPHOLD THE DEPARTMENT'S ORDER.
PEAKERS: (D) JERRY AKINS, ESQ., SFPD, (D) SGT MICHAEL CURRAN, OFFICER DANIEL O'SHEA, SGT. ICHARD WEICK, OFFICER DANIEL KAMITA, OFFICER JORDAN HOM AND OFFICER ERNIE FERNANDO A) THOMAS STEEL, ESQ., (A) BA THI GOLDBERG .

APPEAL NO. 88-316

4) ROY KING, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Imposition of Penalty on December 5, 1988, for work done without a permit at 675 Alvarado Street. APPLICATION NO. 8812183. FOR HEARING TODAY. (1/14)

CTION: UPON MOTION OF VICE PRESIDENT MAKRAS, THE BOARD OTED 5-0 TO OVERRULE THE DEPARTMENT AND REDUCE THE ENALTY TO TWO TIMES THE REGULAR FEE.
PEAKERS: (A) JERI HIXON (D) BOB KELLEY, DPW.

APPEAL NO. 88-318

5) PHILIP J. DAVIS, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Imposition of Penalty on November 28, 1988, for work done without a permit at 910 Broderick Street. APPLICATION NO. 8809958. FOR HEARING TODAY. (1/14)

CTION: UPON MOTION OF VICE PRESIDENT MAKRAS, THE BOARD OTED 5-0 TO UPHOLD THE DEPARTMENTS ORDER.
PEAKERS: (A) PHILIP DAVIS (D) BOB KELLEY.

M I N U T E S

APPEAL NO. 88-225

EDWARD J. MULLINS, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination by the
[Zoning Administrator
[dated August 4, 1988,
[that the Rear Yard
[Requirement for a
[Proposed Dwelling at
[3855 20th Street is
[45% of lot depth.
[Lot 3857-59 used for
[measurement.
[FOR HEARING TODAY. (9/25)

TION: UPON MOTION OF VICE PRESIDENT MAKRAS, THE BOARD TED 3-2 TO OVERRULE THE ZONING ADMINISTRATOR'S DETERMINTON. (PRESIDENT MARKS AND COMMISSIONER MELBOSTAD SSENTED). FOUR VOTES NEEDED TO OVERRULE, THE DETERMINTON IS UPHELD.

EAKERS: (A) JACK WHOLEY, ESQ., (S) CLAIRE PILCHER, Esq., LINDA MOORE (S) VIRGINIA STEARNS (S) AL LANIER.

APPEAL NO. 88-255

BING W. CHOY, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on September 16,
[1988, of permit to Alter
[a Building at 277-7th Ave.
[APPLICATION NO. 8615315.
[FOR HEARING TODAY. (11/9)

TION: CONTINUED TO THE CALL OF THE CHAIR.

EAKERS: (A) JACK WHOLEY, ESQ., (D) ROBERT W. PASSMORE, ZONING ADMINISTRATOR.

BOARD RECESSED FROM 7:30 -7:40.

APPEAL NO. 88-283

LEANA GIANNINI, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on November 11,
[1988, of permit to Alter
[a Building at 122 - 126
[Cervantes Boulevard.
[APPLICATION NO. 8714115.
[FOR HEARING TODAY. (12/19)

TION: UPON MOTION OF VICE PRESIDENT MAKRAS, THE BOARD TED 5-0 TO OVERRULE THE DEPARTMENT AND GRANT THE PERMIT BJECT TO CONDITIONS.

EAKERS: (A) LEANA GIANNINI (D) ROBERT W. PASSMORE (D) BOB KELLEY.

APPEAL NO. 88-292

SOL FRIEDMAN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on November 3,
[1988, of permit to Alter
[a Building at 145 Laurel St.
[APPLICATION NO. 8703147.
[FOR HEARING TODAY. (12/26)

TION: UPON MOTION OF COMMISSIONER HOUSE, THE BOARD VOTED 3 TO UPHOLD THE DEPARTMENT (MAKRAS, MELBOSTAD, PRIOR DISSENTED). FOUR VOTES NEEDED TO OVERRULE E DEPARTMENT THE ORDER IS UPHELD.

EAKERS: (A) HARRY O'BRIEN, ESQ., (A) JACK SCOTT (D) ROBERT W. PASSMORE (A) SOL FRIEDMAN.

APPEALS NO. 88-334 & 88-335 shall be heard together.

APPEALS NO. 88-334 & 88-335

DOUGLAS S. LIPTON &
CYNTHIA E. DANIEL, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent

[Revocation on December
[12, 1988, of Alteration
[permits for work done at
[41 Nevada Street.
[APPLICATION NOS. 8711508
[and 8817576.
[FOR HEARING TODAY. (1/11)

ION: UPON MOTION OF COMMISSIONER PRIOR, THE BOARD VOTED TO OVERRULE THE DEPARTMENT AND REINSTATE THE PERMIT.

AKERS: (D) BOB KELLEY (D) ROBERT W. PASSMORE (D) JUDY AJIAN (A) DOUGLAS LIPTON (A) DAN FRIEDLANDER (S) TERRY MILNE.

MINUTES

APPEAL NO. 88-317

1) SIU CHONG SHEK, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on [November 21, 1988, to [Niagara Investors, permit [to Demolish a Building at 155 Niagara Street. [APPLICATION NO. 8808556. [FOR HEARING TODAY. (1/14)

TION: UPON MOTION OF COMMISSIONER MAKRAS, THE BOARD VOTED) (COMMISSIONER HOUSE EXCUSED FROM THE HEARING) TO UPHOLD E DEPARTMENT AND GRANT THE PERMIT.

EAKERS: (A) PAUL FONG, (D) ROBERT W. PASSMORE (P) IRA KURLANDER, ARCHITECT.

APPEAL NO. 88-320

2) EDITH MCMILLAN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on [November 22, 1988, to [Lam Truong, permit to [Alter a Building at [641 - 28th Avenue. [APPLICATION NO. 8810136. [FOR HEARING TODAY. (1/15)

TION: UPON MOTION OF VICE PRESIDENT MAKRAS, THE BOARD TED 5-0 TO UPHOLD THE DEPARTMENT AND GRANT THE PERMIT BJECT TO CONDITIONS.

EAKERS: (A) EDITH MCMILLAN (D) BOB KELLEY (P) DALE CHEN, ESQ.

3) **Consideration of draft legislation concerning illegal dwelling units.** Referred by Department of City Planning for comments and recommendations.

EAKERS: CAROL TAYLOR, JOE O'DONOGHUE, ROBERT PASSMORE.

4) **PUBLIC COMMENT:** Presentation shall be limited to three (3) minutes for each speaker.
NO SPEAKERS

15) ANNUAL ELECTION OF OFFICERS. Upon motion of Commissioner House, the Board reelected Esther Y. Marks as President and Victor Makras as Vice President. The vote was 5-0.

There being no further business to come before the Board, President Marks adjourned the meeting at 10:00 P.M.

Robert H. Feldman

Robert H. Feldman, Executive Director

TRANCRIPTS OF THESE HEARING MAY BE OBTAINED FROM DORIS LEVINE, OFFICIAL COURT REPORTER TELEPHONE (415) 456-9899.

PRESENT: MARKS, MAKRAS, HOUSE, PRIOR, MELBOSTAD.
COMMISSIONER MELBOSTAD ARRIVED AT 6:04 P.M.)

CONVENED: 5:10 P.M.
ADJOURNED: 9:00 P.M.

SF

MEETING OF THE BOARD OF PERMIT APPEALS

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) APPELLANT
) DEPARTMENT REPRESENTATIVES
) PERMIT HOLDER AND SUPPORTERS
) SUPPORT FOR THE DEPARTMENT

WEDNESDAY, JANUARY 25, 1989
5:00 P.M., ROOM 282, CITY HALL

MINUTES

) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUESTS FOR REHEARING:

ITEM A: Letter from Thomas Steel, Esq., on behalf of appellant, Tho Thi Truong, requesting rehearing of Appeal No. 88-266. Hearing November 30, 1988. The appellant had appealed the revocation of a massage establishment permit at 738 Larkin Street. On November 30, 1988, upon motion of Commissioner Prior, the Board voted 3 - 2 to uphold the department (President Marks and Commissioner Melbostad dissented). Four (4) votes needed to overrule, the Department is upheld and the permit revoked.

TION: UPON MOTION OF COMMISSIONER PRIOR, THE BOARD VOTED 4-0 NOT TO GRANT THE REHEARING.

ITEM B: Letter from John Cracas requesting rehearing of Appeal No. 88-311. Hearing January 4, 1989. The appellant, John Cracas, had appealed the San Francisco Arts Commission's suspension of his Street Artist permit for various locations. On January 4, 1989, upon motion of Commissioner Prior, the Board voted 3 - 1 to overrule the department (President Marks dissented). Four (4) votes needed to overrule, the Commission's order for suspension is upheld. Vice President Makras was absent.

TION: UPON MOTION OF COMMISSIONER PRIOR, THE BOARD VOTED TO REHEAR THE APPEAL. THE APPEAL SCHEDULED TO BE HEARD AT THE MEETING OF FEBRUARY 8, 1989.

2) **PUBLIC COMMENT:** Presentation shall be limited to (3) three minutes for each speaker.

NO SPEAKERS.

APPEAL NO. 88-325

ANTHONY SAAB, dba "AL BABY'S INC."
Appellant
3) vs.
POLICE DEPARTMENT, Respondent

[Denial on November 30,
[1988, of Cabaret permit
[at 330 Ritch Street,
[dba, "AL BABY'S INC."
[FOR HEARING TODAY. (1/23

TION: UPON MOTION OF VICE PRESIDENT MAKRAS, THE BOARD TED 5-0 TO OVERRULE THE DEPARTMENT AND GRANT THE PERMIT.

EAKERS: (D) JERRY AKINS, ESQ., S.F.P.D., (D) SUSAN MONTANA, CITY PLANNING (A) ANTHONY SAAB) OFFICER PHIL MCGEE, S.F.P.S. (A) SHARON BRETZ. (A) CHRIS MARUKAS.

APPEAL NO. 88-276

JOSEPH BONINO, Appellant
4) vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on November 4,
[1988, of permit to
[Alter a Building at
[224 Sea Cliff Avenue.
[APPLICATION NO. 8805662.
[FOR HEARING TODAY. (12/

TION: UPON MOTION COMMISSIONER HOUSE, THE BOARD VOTED 2 TO OVERRULE THE DEPARTMENT AND GRANT THE PERMIT (COMMISSIONER RKS AND MELBOSTAD DISSENTED). FOUR VOTES NEEDED TO OVERRULE THE DEPARTMENT, THE ORDER IS HELD AND THE PERMIT DENIED.

EAKERS: (D) ROBERT W. PASSMORE, CITY PLANNING (A) ALICE BARKLEY, ESQ., (S) BRYON & SHIRLEY PPMAN (S) JULIAN HIRSCH (S) MONROE BAER (S) TERRANCE E. MARSEILLE (S) ANN FAY BREALL (S) . WILLIAM BREALL (P) TOM HIGLEY, ARCHITECT (P) PAMELA BONINO (D) JUDY BOYAJIAN, DEPUTY CITY TORNEY.

MINUTES

(PRESIDENT MARKS RECESSED MEETING AT 7:04 P.M., AND RECONVENED THE MEETING AT 7:14 P.M.)

THE FOLLOWING TWO APPEALS WERE HEARD TOGETHER.

APPEAL NO. 88-322

A) JONATHAN PARKER, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Denial on December 7, 1988, of permit to Alter a Building at 608 Taraval Street. APPLICATION NO. 8810950. FOR HEARING TODAY. (1/18

ACTION: *CONTINUED TO THE CALL OF THE CHAIR.*
SPEAKERS: *(A) JONATHAN PARKER (D) LAWRENCE CORNFIELD, DPW (D) ROBERT W. PASSMORE, DEPARTMENT OF CITY PLANNING.*

APPEAL NO. 88-323

B) JONATHAN PARKER, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Denial on December 7, 1988, of permit to Alter a Building at 711 Taraval Street. APPLICATION NO. 8810952. FOR HEARING TODAY. (1/18

ACTION: *SEE ABOVE ENTRY.*

APPEAL NO. 88-326

) ROBERT WALKER, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on December 14, 1988, of permit to Alter a Building at 2294 - 29th Avenue. APPLICATION NO. 8713568. FOR HEARING TODAY. (1/24

ACTION: *UPON MOTION OF VICE PRESIDENT MAKRAS, THE BOARD VOTED 5-0 TO UPHOLD THE DEPARTMENT AND DENY THE PERMIT.*
SPEAKERS: *(D) ROBERT W. PASSMORE (A) ROBERT WALKER.*

APPEAL NO. 88-327

) SAMUEL KWONG, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
DAHI DISAPPROVAL

[Denial on December 16, 1988, of permit to Alter a Building at 1350 Stockton Street. APPLICATION NO. 8813860. FOR HEARING TODAY. (1/28

ACTION: *UPON MOTION OF PRESIDENT MARKS, THE BOARD VOTED 4-1 (COMMISSIONER HOUSE DISSENTED) TO OVERRULE THE DEPARTMENT AND GRANT THE PERMIT.*
SPEAKERS: *(A) SAMUEL KWONG*

APPEAL NO. 88-328

) MARY BOSCACCI, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Denial on December 20, 1988, of permit to Alter a 3-Unit Building at 1520-1522 Lombard St. without sprinklering the entire building. APPLICATION NO. 8809473. FOR HEARING TODAY. (1/29

ACTION: *CONTINUED TO THE CALL OF THE CHAIR. APPELLANT INTENDS TO SEEK VARIANCE FROM BBI AND BOARD OF EXAMINERS.*

MINUTES

TEM 9 TAKEN OUT OF ORDER, FIRST ON CALENDAR, AT REQUEST OF MR. SCHECTMAN.

APPEAL NO. 88-329

TENDERLOIN HOUSING CLINIC, Appellant
vs.
DEPT. OF PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[December 7, 1988, to
[Gary Raugh Enterprises,
[permit to Alter a Building
[at 1499 California Street.
[APPLICATION NO. 8817009.
[FOR HEARING TODAY. (1/31)

CTION: UPON MOTION OF COMMISSIONER HOUSE,
OTED 4-0 TO UPHOLD THE DEPARTMENT AND GRANT THE PERMIT
UBJECT TO CONDITIONS. (COMMISSIONER MELBOSTAD WAS ABSENT
URING THE HEARING OF THIS APPEAL.)
PEAKERS: (A) STEVEN A. SCHECTMAN, ESQ., (P) JOHN MC INERNEY, ESQ., (P) JOE O'DONOGHUE
A) COLLEEN SULLIVAN (D) LAWRENCE CORNFIELD, DPW. (P) GARY RAUGH

APPEAL NO. V88-324

MARVIN ISRAEL, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Protesting Condition of
[Variance granted on
[December 6, 1988, for
[property located at
[455 Hoffman Avenue.
[VARIANCE CASE NO. 88.542V.
[FOR HEARING TODAY. (1/15)

OTION: UPON MOTION OF COMMISSIONER HOUSE, THE BOARD
OTED 5-0 TO OVERRULE THE DEPARTMENT AND DELETE THE
ONDITION ATTACHED TO THE GRANTING OF THE VARIANCE.
PEAKERS: (D) ROBERT W. PASSMORE (A) MARVIN ISRAEL
A) DEBRA ISRAEL.

) PUBLIC COMMENT: Presentation shall be limited to (3) three minutes for each speaker.
O SPEAKERS.

HERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, PRESIDENT MARKS ADJOURNED THE
ETING AT 9:00 P.M.

Robert H. Feldman

ROBERT H. FELDMAN, EXECUTIVE DIRECTOR

RANSCRIPTS OF THESE HEARINGS MAY BE OBTAINED FROM DORIS LEVINE, OFFICIAL COURT REPORTER.
ELEPHONE (415) 456-9899.

(A) APPELLANT
(D) DEPARTMENT REPRESENTATIV
(P) PERMIT HOLDER AND SUPPORTERS
(S) SUPPORT FOR DEPARTMENT

CONVENED: 5:10 P.M.
ADJOURNED: 11:30 P.M.

-SF

PRESENT: MARKS, MAKRAS, HOUSE, MELBOSTAD, PRIOR. (VICE PRESIDENT MAKRAS ARRIVED AT 5:32 P.M.)

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330
3
2/8/89

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, FEBRUARY 8, 1989

4:00 P.M., ROOM 282, CITY HALL

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MINUTES

) Begin at 4:00 p.m. - Presentation by staff of Bureau of Building Inspection on permit processing, plan checking and Building Code procedures.
SPEAKER: BOB KELLEY, ASST. SUPERINTENDENT, BUREAU OF BUILDING INSPECTION.

REGULAR CALENDAR SHALL BEGIN AT 5:00 P.M.

) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUESTS FOR REHEARING:

ITEM A: Letter from Harry O'Brien, Esq., on behalf of Sol Friedman, requesting rehearing of Appeal No. 88-292. Hearing January 18, 1989. The appellant, Mr. Friedman, had protested the denial of permit to alter a building at 145 Laurel Street. Upon motion of Commissioner House, the Board voted 2 - 3 to uphold the department and grant the permit. (Commissioner Melbostad, Vice President Makras & Commissioner Prior dissented.) Four votes needed to overrule the department, the order is upheld and the permit denied. SPEAKER: ROBERT W. PASSMORE, ZONING ADMINISTRATOR.

ACTION: UPON MOTION OF COMMISSIONER MELBOSTAD, THE BOARD VOTED 4-0 TO REHEAR THIS APPEAL. THE BOARD SCHEDULED THE REHEARING FOR THE MEETING OF MARCH 15, 1989.

ITEM B: Letter from Robert W. Passmore, Zoning Administrator, requesting rehearing of Appeal No. V88-324. Hearing January 25, 1989. The appellant, Marvin Israel, had protested the conditions attached to the granting of a variance for property at 455 Hoffman Avenue. Upon motion of Commissioner House, the Board voted 5 - 0 to overrule the Zoning Administrator and delete the conditions attached to the granting of the variance.

ACTION: UPON MOTION OF COMMISSIONER HOUSE, THE BOARD VOTED 4-0 TO REHEAR THIS APPEAL. THE BOARD SCHEDULED THE REHEARING OF THIS APPEAL FOR THE MEETING OF MARCH 8, 1989.

ITEM C: Letter from Jack Wholey, Esq., on behalf of Edward J. Mullins, requesting rehearing of Appeal No. 88-225. Hearing January 18, 1989. The appellant, Mr. Mullins, had protested dwelling at 3855 - 20th Street is 45% of lot depth. Upon motion of Vice President Makras, the Board voted 3 - 2 to overrule the Zoning Administrator's determination (President Marks & Commissioner Melbostad dissented). Four votes needed to overrule the order, the determination is upheld.

ACTION: UPON MOTION OF COMMISSIONER MELBOSTAD, THE BOARD VOTED 4-0 NOT TO REHEAR THIS APPEAL.

FOR ADOPTION OF FINDINGS ONLY: Public hearing closed.

ITEM D: Appeal No. 88-303. Hearing January 18, 1989. The appellant, Ba Thi Goldberg, dba "Nikki's Massage", protested the suspension of her massage establishment permit at 1172 Sutter Street. Upon motion of Vice President Makras, the Board voted 4 - 1 (Commissioner Melbostad dissented) to uphold the department's order.

ACTION: UPON MOTION OF COMMISSIONER HOUSE, THE BOARD VOTED 4-0 TO ADOPT THE FINDINGS.

ITEM E: Appeals No. 88-334 and 88-335. Hearing January 18, 1989. The appellants, Douglas Lipton and Cynthia Daniel, protested the revocation of alteration permits for work done at 41 Nevada Street. Upon motion of Commissioner Prior, the Board voted 5-0 to overrule the department and reinstate the permit.

ACTION: UPON MOTION OF COMMISSIONER MELBOSTAD, THE BOARD VOTED 4-0 TO ADOPT THE FINDINGS.

REQUESTS FOR JURISDICTION BEYOND THE 15-DAY APPEAL PERIOD:

ITEM F: Letter from Ian McLean, Legislative Coordinator, NTEU Chapter 212, requesting the Board to take jurisdiction over decisions of Bureau of Building Inspection that were made which Mr. McLean believes led to final sign-offs on various inspections that were done relating to the design or construction of a building under construction at 75 Hawthorne Street.

CTION: UPON MOTION OF COMMISSIONER MELBOSTAD, THE BOARD VOTED 4-0 NOT TO TAKE JURISDICTION.
PEAKER: BOB KELLEY, DPW.

ITEM G: Letter from Diane Sidd - Champion requesting the Board to take jurisdiction over Building permit issued for construction of a structure at 78 Chenery Street.

Permit suspended and properly posted	November 18, 1988
Appeal period ended	December 5, 1988
Request for jurisdiction received	February 1, 1989

HIS MATTER CONTINUED TO THE BOARD MEETING OF FEBRUARY 15, 1989.

ITEM H: Letter from Harvey E. Goldfine, Esq., on behalf of Mrs. Bernarda Torres, requesting that the Board take jurisdiction over a building permit issued for the construction of a building at 310 Lexington Street.

Permit suspended and properly posted	October 13, 1988
Appeal period ended	October 28, 1988
Request for jurisdiction received	February 1, 1989

CTION: UPON MOTION OF COMMISSIONER HOUSE, THE BOARD VOTED 2-3 NOT TO TAKE JURISDICTION
MARKS, PRIOR AND MELBOSTAD DISSENTED).

) **PUBLIC COMMENT:** Comments shall be limited to three (3) minutes for each speaker.
NO COMMENT .

APPEAL NO. 88-311

JOHN CRACAS, Appellant
) vs.
ARTS COMMISSION, Respondent

[Suspension of one (1) week
[on November 9, 1988, of
[Street Artist permit for
[various locations.
[(November 23 - 29, 1988).
[FOR REHEARING TODAY. (1/7)

HIS MATTER CONTINUED TO THE BOARD MEETING OF FEBRUARY 5, 1989 FOR REHEARING.

APPEAL NO. 88-336

JOHN REICHERT, dba "Paradise Lounge"
Appellant
) vs.
POLICE DEPARTMENT, Respondent

[Denial on November 22,
[1988, of Cabaret permit
[at 1501 Folsom Street.
[FOR HEARING TODAY. (1/1)

CTION; UPON MOTION OF COMMISSIONER PRIOR, THE BOARD VOTED 4-1 (COMMISSIONER HOUSE DISSENTED)
TO OVERRULE THE DEPARTMENT AND GRANT THE PERMIT. SPEAKERS: (D) JERRY AKINS, ESQ.,
.F.P.D. (D) CAPT. KENNETH FOSS, S.F.P.D. (A) JOHN REICHERT, (A) MARCELLO RODRIGUEZ,
BARBARA FLECK, SUSAN COSTERO, ANN DALEY, ROBIN REICHERT.

APPEAL NO. 89-009

AL BABY'S INC., Appellant
) vs.
DEPT. CITY PLANNING, Respondent

[Denial on January 18,
[1989, of permit to
[Alter a Building at
[330 Ritch Street.
[APPLICATION NO. 8819722.
[FOR HEARING TODAY. (2/2

OTION: UPON MOTION OF VICE PRESIDENT MAKRAS, THE BOARD VOTED 5-0 TO OVERRULE THE DEPARTMENT
ND GRANT THE PERMIT. SPEAKERS: (D) ROBERT W. PASSMORE (D) SUSANA MONTANA (A) ANTHONY SAAB
A) SHARON BRETZ.

APPEAL NO. 89-003

ROBERT S. SHIMMON, Appellant
) vs.
DEPT. PUBLIC WORKS, Respondent

[Imposition of Penalty
[on January 9, 1989,
[for work done at
[12 Woodland Avenue.
[APPLICATION NO. 88160704.
[FOR HEARING TODAY. (2/1

CTION: UPON MOTION OF VICE PRESIDENT MAKRAS, THE BOARD
OTED 5-0 TO OVERRULE THE DEPARTMENT AND REDUCE THE
ENALTY. SPEAKERS: (A) RHONDA SHIMMON (D) BOB KELLEY.

MINUTES

APPEAL NO. 88-333

ANGELO PANARI, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Imposition of Penalty
[on December 21, 1988,
[for work done at
[3106 Gough Street.
[APPLICATION NO. 8813205.
[FOR HEARING TODAY. (1/31)

CTION: UPON MOTION OF COMMISSIONER PRIOR, THE BOARD OTED 5-0 TO OVERRULE THE DEPARTMENT AND REDUCE THE ENALTY. SPEAKERS: (A) ANGELO PANARI (D) BOB KELLEY, DPW.

MISSIONER PRIOR WAS EXCUSED FROM HEARING THE FOLLOWING THREE APPEALS BY A VOTE OF 4-0. CUTIVE DIRECTOR, ROBERT FELDMAN POLLED THE BOARD, ALL MEMBERS STATED THAT THEY HAD READ AND REVIEWED THE NEGATIVE DECLARATION REPORT.

Items 9A, 9B and 9C shall be heard together.

APPEAL NO. 88-293

CHINATOWN NEIGHBORHOOD IMPROVEMENT RESOURCE CENTER, etal, Appellants
)
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[November 2, 1988, to
[Mardikian Enterprises,
[permit to Erect a
[Structure at 8 Wetmore St.
[APPLICATION NO. 8707412S.
[FOR HEARING TODAY. (12/27)

ONTINUED TO MARCH 1, 1989 FOR FURTHER HEARING.

IST OF NAMES OF PEOPLE SPEAKING ON THIS ISSUE ATTACHED TO THIS SHEET OF THE MINUTES.

APPEAL NO. 88-294

CHINATOWN NEIGHBORHOOD IMPROVEMENT RESOURCE CENTER, etal, Appellants
)
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[November 2, 1988, to
[Mardikian Enterprises,
[permit to Erect a
[Structure at 959 Powell St.
[APPLICATION NO. 8804433S.
[FOR HEARING TODAY. (12/27)

EE ENTRY ABOVE.

APPEAL NO. 88-295

CHINATOWN NEIGHBORHOOD IMPROVEMENT RESOURCE CENTER, etal, Appellants
)
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[November 2, 1988, to
[Mardikian Enterprises,
[permit to Erect a
[Structure at 959 Powell St.
[APPLICATION NO. 8707411S.
[FOR HEARING TODAY. (12/27)

EE ENTRY ABOVE.

APPEAL NO. 88-337

FRANK FREDERICKS, Appellant
)
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[December 13, 1988, to
[Terry & Joyce Byers,
[permit to Alter a
[Building at 173 Lower
[Terrace Street.
[APPLICATION NO. 8716479.
[FOR HEARING TODAY. (1/12)

CTION: UPON MOTION OF COMMISSIONER PRIOR, THE BOARD OTED 5-0 TO UPHOLD THE DEPARTMENT AND GRANT THE PERMIT. PEAKERS: (A) FRANK FREDERICK (A) NETI FREDERICK P) JOYCE BYERS (P) JOHN WALSH, ARCHITECT.

APPEAL NO. 88-338

VICTORIA FONG & GEE KIN CHOU, Appellants
)
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[December 15, 1988, to
[Don & Sue Larramendy,
[permit to Alter a
[Building at 1570-16th Ave.
[APPLICATION NO. 8815300.
[FOR HEARING TODAY. (2/8)

CTION: UPON MOTION OF VICE PRESIDENT MAKRAS, THE BOARD OTED 5-0 TO UPHOLD THE DEPARTMENT AND GRANT THE PERMIT UBJECT TO CONDITIONS. SPEAKERS: (A) GEE KIN CHOU (P) DON LARRAMENDY (D) ROBERT W. PASSMORE.

MEETING OF THE BOAR. OF PERMIT APPEALS, FEBRUAR 8, 1989

ITEMS 9A, 9B and 9C
Board of Permit Appeals Meeting of February 15, 1989
Chinatown Neighborhood Improvement Resource Center vs Dept Public Works and City Planning
List of names of people speaking on the issues of the appeals.

(P) ROBERT MC CARTHY, ESQ.

(P) REUBEN P. HECHANOVA, ARCHITECT

(P) HAIG MARDIKIAN

(P) MICHAEL BURKE, ESQ.

(D) ROBERT W. PASSMORE

(A) GORDON CHIN

(A) BRAD PAUL

(A) DAN HIRSCH

(P) ROBERT VARNEY

(A) HERBERT YANOWITZ

(A) RANDY SHAW, ESQ.

(A) JAMES WONG

(A) RUSSELL YEN

(A) CLEO MEEK

(A) JACK VETTERLI

(A) HERALDO WONG

(P) BILL MC CORMICK

(A) MICHAEL LONG

(A) EDWIN LEE

(A) LAURIE COOPERMAN

(A) MICHAEL LOUIE

(A) SUE HESTOR, ESQ.

(D) JUDY BOYAJIAN, ESQ.

MINUTES

Items 12A and 12B shall be heard together.

APPEAL NO. 88-339

CYRUS FRANK, Appellant
(A) vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[December 16, 1988, to
[Abraham L. Yang, permit
[to Demolish a Building
[at 3240 Sacramento St.
[APPLICATION NO. 8807836.
[FOR HEARING TODAY. (2/8)

TION: UPON MOTION OF COMMISSIONER PRIOR, THE BOARD TED 3-2 TO UPHOLD THE DEPARTMENT. FOUR VOTES NEEDED OVERRULE, THE DEPARTMENT IS UPHELD AND THE PERMIT GRANTED.
EAKERS: (A) CYRUS FRANK (P) ABRAHAM YANG (P) LORNA HOM (P) MICHAEL STANTON.

APPEAL NO. 88-340

CYRUS FRANK, Appellant
(B) vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[December 16, 1988, to
[Abraham L. Yang, permit
[to Erect a Structure
[at 3240 Sacramento St.
[APPLICATION NO. 8807835.
[FOR HEARING TODAY. (2/8)

E ABOVE ENTRY.

APPEAL NO. 89-002

JOHN J. MCARDLE, Appellant
3) vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[December 21, 1988, to
[Arthur & Dorraine Zief,
[permit to Alter a
[Building at 2010
[Pacific Avenue.
[APPLICATION NO. 8816122.
[FOR HEARING TODAY. (2/14)

TION: UPON MOTION OF VICE PRESIDENT MAKRAS, THE BOARD TED 5-0 TO UPHOLD THE DEPARTMENT AND GRANT THE PERMIT.
EAKERS: (A) DAN CRAWFORD (P) ARTHUR ZIEF.

APPEAL NO. V88-332

DOUGLAS P. MORGAN, Appellant
1) vs.
ZONING ADMINISTRATOR, Respondent

[Denial on December 12,
[1988, of Off-Street
[Parking & Exposure
[of Dwelling Unit
[Variances for property
[at 331 Cherry Street.
[VARIANCE CASE NO. 87.676V.
[FOR HEARING TODAY. (1/30)

TION: UPON MOTION OF COMMISSIONER MELBOSTAD, THE BOARD TED 5-0 TO OVERRULE THE DEPARTMENT AND GRANT THE RIANCE SUBJECT TO CONDITIONS.
EAKERS: (A) DOUGLAS G. MORGAN (D) ROBERT W. PASSMORE, NING ADMINISTRATOR.

APPEAL NO. 89-001

PETER TAI, Appellant
5) vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[December 30, 1988, to
[Chin-Teh Shin, permit
[to Alter a Building at
[18 Presidio Terrace St.
[APPLICATION NO. 8715597.
[FOR HEARING TODAY. (2/14)

IOR TO HEARING APPEAL CONTINUED TO MEETING OF MARCH 1, 89.

(5) **PUBLIC COMMENT:** Presentation shall be limited to three (3) minutes for each speaker.

) COMMENT.

There being no further business to come before the Board, President Marks adjourned the meeting at 11:30 p.m.

Robert H. Feldman

ROBERT H. FELDMAN, EXECUTIVE DIRECTOR

TRANSCRIPTS OF THESE HEARINGS MAY BE OBTAINED FROM DORIS LEVINE, OFFICIAL COURT REPORTER. TELEPHONE (415) 456-9899.

City Librarian
Attn: Jerry Roth
Document Section, Main Branch

(A) Appellant and supporters
(D) Department representatives
(P) Permit holder and supporters
(S) Department supporters

Convened: 5:05 P.M.
Adjourned: 7:40 P.M.

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MINUTES OF THE MEETING OF THE BOARD OF PERMIT APPEALS WEDNESDAY, FEBRUARY 15, 1989 5:00 P.M., ROOM 282, CITY HALL

SF

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PRESENT: President Marks, Vice Pres. Makras, Commissioners Melbostad and Prior.
ABSENT: Commissioner House.

MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:

FOR ADOPTION OF FINDINGS ONLY: Public hearing closed.

ITEM A: Appeal No. V88-265. Hearing December 7, 1988. Appellant had protested the issuance of Exposure of a Dwelling Unit Variance sought for property located at 1555 Lombard Street and 30½ Blackstone Court. Upon motion of President Marks, the Board voted 4 - 1 (Vice President Makras dissenting) to overrule the Department and deny the variance.

Action: *None taken. Matter continued to meeting of March 1, 1989 at request of attorney for appellants who is preparing findings for adoption.*

ITEM B: Appeal No. 88-325. Hearing January 25, 1989. Appellant had appealed the denial of a cabaret permit for his restaurant at 330 Ritch Street. Upon motion of Vice President Makras, the Board voted 5 - 0 to overrule the Police Department and to grant the permit.

Action: *Upon motion of Commissioner Melbostad, the Board voted 4-0 to adopt findings.*

ITEM C: Appeal No. 89-009. Hearing February 8, 1989. Appellant had appealed the denial of an alteration permit for a dance floor in a restaurant and to waive Conditions two and three of Planning Commission Motion No. 11533. Upon motion of Vice President Makras, the Board voted 5 - 0 to overrule City Planning and to delete Conditions two and three and to grant the permit with the remaining Planning Commission conditions of the motion. Restaurant at 330 Ritch Street.

Action: *Upon motion of Commissioner Melbostad, the Board voted 4-0 to adopt findings.*

ITEM D: Appeal No. V88-332. Hearing February 8, 1989. Appellant appealed the denial of a variance to legalize a third unit at 331 Cherry Street. Upon motion of Commissioner Melbostad, the Board voted 5 - 0 to overrule the Zoning Administrator with conditions.

Action: *Upon motion of Commissioner Melbostad, the Board voted 4-0 to adopt findings.*

REQUEST FOR REHEARING:

ITEM E: Letter from Dennis A. Lee, Esq., requesting on behalf of Mr. & Mrs. Joseph Bonino rehearing of Appeal No. 88-276. Hearing February 25, 1989. Upon motion of Commissioner House, the Board voted 3 - 2 to overrule the Department (President Marks and Commissioner Melbostad dissented) and grant the permit. Four (4) votes needed to overrule the Department, the permit is denied.

Action: *Upon motion of Commissioner Melbostad, the Board voted 4-0 to NOT grant rehearing.*

REQUEST FOR JURISDICTION BEYOND THE 15-DAY APPEAL PERIOD:

ITEM F: Letter from Diane Sidd - Champion requesting the Board to take jurisdiction over Building permit issued for construction of a structure at 78 Chenery Street.

Permit suspended and properly posted	November 18, 1988
Appeal period ended	December 5, 1988
Request for jurisdiction received	February 1, 1989

Action: *Upon motion of Vice President Makras, the Board voted 3-1 (Commissioner Prior dissenting) to NOT grant jurisdiction. The Executive Director was requested to write to Ms. Sidd-Champion and inform her of her right to review plans.*

Public Comment: Presentation shall be limited to three (3) minutes for each speaker.

No speakers came forward.

APPEAL NO. 88-170

ROLF LEWIS & MARTIN AUSTIN, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on [June 9, 1988, to the [Hamlin School, permit [to Alter a Building at [2120 Broadway Street. [APPLICATION NO. 8804913. [FOR HEARING TODAY. *REHEARING.* (8/3)

ACTION: After discussion, upon motion of Vice President Makras, the Board voted 4-0 to uphold the permit with two conditions and to adopt the findings before them as amended by Commissioner Melbostad. No testimony was taken since the Board had granted the rehearing with the stipulation that only written submittals would be considered and no testimony taken

APPEAL NO. 88-311

JOHN CRACAS, Appellant
vs.
ARTS COMMISSION, Respondent

[Suspension of one (1) week [on November 9, 1988, of [Street Artist permit for [various locations. [(November 23 - 29, 1988). [FOR REHEARING TODAY. (1/7)

ACTION: Appeal continued to March 8, 1989 with no testimony taken so that Commissioner House can be present.

APPEAL NO. V88-289

LOUIS J. GIORGI, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on November 7, [1988, of Rear Yard & [Open Space Variances [sought for property [located at 401 - 409 [Naples Street. [VARIANCE CASE NO. 88.310EV. [FOR FURTHER HEARING TODAY. (1/23)

ACTION: After discussion, upon motion of Vice President Makras, the Board voted 2-2 to uphold the denial of the variance. Commissioners Melbostad and Prior voted to overrule and grant. Four votes being needed to overrule, the denial is upheld, with no modifications of findings

SPEAKERS: (A) Wayne Rieke, consultant, (A) Tony Panteleoni, architect, (S) Carole Taylor, president of Neighbors of the Excelsior, (S) Chris Noise of 414 Vienna, (S) Louise Peceimer, 410 Vienna (S) Robert Stanger (S) Marion Aird.

APPEAL NO. 89-010

CARLOS PEREZ, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Appealing for refund [of penalty imposed [on January 27, 1989, [for work done at [51 Linda Street. [APPLICATION NO. 8900302. [FOR HEARING TODAY. (3/8)

ACTION: After discussion, upon motion of Commissioner Melbostad, the Board voted 4-0 to overrule the department and to reduce the penalty to two times the permit fee.

SPEAKERS: (A) Carlos Perez, (D) Bob Kelley, asst. super. of BBI.

APPEAL NO. 89-011

JEAN V. CLAES, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Appealing for refund [of penalty imposed [on January 30, 1989, [for work done at [542 Alvarado Street. [APPLICATION NO. 8900753. [FOR HEARING TODAY. (3/11)

ACTION: After discussion, upon motion of Comm. Melbostad, the Board voted 4-0 to overrule the department and to reduce the penalty to two times the permit fee.

SPEAKERS: (A) Jean V. Claes, (D) Bob Kelley, asst. super. of BBI.

APPEAL NO. 89-006

ROGER WONG C. DIP, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[January 6, 1988, to
[Julie Lee, permit to
[Alter a Building at
[1325 - 9th Avenue.
[APPLICATION NO. 8803489.
[FOR HEARING TODAY. (2/26)

ACTION: No action taken and no testimony taken. At request of both parties the appeal was continued to the meeting of March 15, 1989.

APPEAL NO. 89-008

NEIGHBORS OF THE EXCELSIOR,
vs. Appellant
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[January 9, 1989, to
[Rich Dixon, permit to
[Erect a Structure at
[251 Peru Street.
[APPLICATION NO. 8716831.
[FOR HEARING TODAY. (3/4)

ACTION: After discussion, upon motion of Vice Pres. Makras, the Board voted 4-0 to uphold the department and to grant the permit with four conditions.
SPEAKERS: (A) Carole Taylor, (P) Bruce Baumann, (P) Richard Dixon, (A) Marion Aird.

Consideration of department budget for Fiscal Year 1989 - 1990.

ACTION: After discussion, upon motion of Vice President Makras, the Board voted 4-0 to adopt the budget presented by staff.

Proposed changes to rules and regulations of Residential Rent Stabilization and Arbitration Board. Discussion of public hearing January 31, 1989 held by Rent Board.

ACTION: Vice President Makras and Commissioner Melbostad reported on their participation in the Rent Board hearing of January 31, 1989. The Board directed the Executive Director to draft a letter to the Rent Board incorporating their thoughts on the rules changes.

Workshop on plan reading.

ACTION: Not held. Will be rescheduled for a later time.

Public Comment: Each speaker shall be limited to three (3) minutes for each speaker.

No speakers came forward.

Meeting adjourned at 7:40 P.M.

Robert H. Feldman

Robert H. Feldman, Executive Director

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(A) Appellant and supporters
(D) Department representatives
(P) Permit holders and supporters
(S) Department supporters

Convened: 4:00 P.M.
Adjourned: 8:35 P.M.

MINUTES OF THE

MEETING OF THE BOARD OF PERMIT APPEALS

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WEDNESDAY, MARCH 1, 1989

4:00 P.M., ROOM 282, CITY HALL

ESENT: President Esther Marks, Vice Pres. Victor Makras, Commissioners Ralph House, Paul Melbostad and Beverly Prior.

4:00 P.M. - Presentation by Department of City Planning on the proposed South of Market Controls. For informational purposes only. No action will be taken by the Board.

SPEAKERS: Susana Montana, planner and President Douglas Engmann, Planning Commission.

REGULAR CALENDAR SHALL BEGIN AT 5:00 P.M.

MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:

FOR ADOPTION OF FINDINGS ONLY: Public hearing closed.

ITEM A: Appeal No. V88-265. Hearing December 7, 1988. Appellant had protested the issuance of an Exposure of a Dwelling Unit Variance sought for property at 1555 Lombard Street and 30½ Blackstone Court. Upon motion of President Marks, the Board voted 4 - 1 (Vice President Makras dissented) to overrule the Zoning Administrator and deny the variance.

ACTION: Amendments recommended by Vice President Makras and consideration continued to March 8, 1989.

ITEM B: Appeals No. 88-339 and 88-340. Hearing February 8, 1989. Appellant had protested both a demolition permit and a new construction permit to clear the property at 3240 Sacramento Street and to build a mixed-use building on the site. Upon motion of Commissioner Prior, the Board voted 3 - 2 to uphold both permits. President Marks and Commissioner House dissented.

ACTION: Upon motion of Commissioner Prior, the Board voted 3-2 to adopt (President Marks and Commissioner House in dissent). Findings are adopted.

REQUEST FOR REHEARING:

ITEM C: Appeals No. 88-339 and 88-340. Letter dated February 21, 1989 from Mr. Cyrus E. Frank requesting that the Board grant a rehearing of the two (2) appeals for the demolition and new construction proposed for 3240 Sacramento Street.

ACTION: Rehearing is scheduled for March 8, 1989. Upon motion of President Marks, the Board voted 5-0 to grant the rehearing with the stipulation that only written material will be considered and no oral testimony will be taken.

REQUEST FOR JURISDICTION BEYOND THE 15-DAY APPEAL PERIOD:

ITEM D: Letter from Ken O'Brien requesting that the Board take jurisdiction over building permit Application No. 8807356 for property at 340 Capp Street.

Permit reissued and posted after Prop M Findings made.	**January 31, 1989**
Appeal period ended	**February 15, 1989**
Request for jurisdiction received	**February 23, 1989**

ACTION: No motion. Jurisdiction not granted.

PUBLIC COMMENT: Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

Items 4A, 4B and 4C shall be heard together.

APPEAL NO. 88-293

CHINATOWN NEIGHBORHOOD IMPROVEMENT RESOURCE CENTER, et al, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[November 2, 1988, to
[Mardikian Enterprises,
[permit to Erect a
[Structure at 8 Wetmore St.
[APPLICATION NO. 8707412S.
[FOR HEARING TODAY.

(12/27

ACTION: Matter had been continued from February 8,1989. Upon motion of President Marks, the Board voted 4-0 to disapprove the permits. Commissioner Prior was excused from voting since she had been employed by the permit holder Taldan Investment Company within the past year.

Items 4A, 4B and 4C shall be heard together.

APPEAL NO. 88-294

CHINATOWN NEIGHBORHOOD IMPROVEMENT RESOURCE CENTER, et al, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on [November 2, 1988, to [Mardikian Enterprises, [permit to Erect a [Structure at 959 Powell St. [APPLICATION NO. 8804433S. [FOR HEARING TODAY. (12/27)

The Board directed Sue C. Hestor, attorney for the appellants, to prepare findings for adoption by the Board on March 15, 1989.

The public hearing on these three matters was held on February 8, 1989 when all oral testimony was taken.

APPEAL NO. 88-295

CHINATOWN NEIGHBORHOOD IMPROVEMENT RESOURCE CENTER, et al, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on [November 2, 1988, to [Mardikian Enterprises, [permit to Erect a [Structure at 959 Powell St. [APPLICATION NO. 8707411S. [FOR HEARING TODAY. (12/27)

Same as 4A and 4B.

APPEAL NO. 89-015

EDWARD C. WANG, Appellant
vs.
POLICE DEPARTMENT, Respondent
CITY PLANNING DISAPPROVAL

[Denial on January 20, [1989, of Place of [Entertainment permit [at 3600 - 16th Street. [FOR HEARING TODAY. (3/15)

ACTION: After discussion, upon motion of Vice President Makras, the Board voted 5-0 to uphold the department and to deny the permit.

PEAKERS: (D) Jerry Akins, Esq., Mary Gallagher, planner, (A) Ed Wang, (S) Bruce Fichelson, eslie Hennessey, Jr., Richard Lerner, Dr. Robert Bush, Lauren Haynes, Winston Ashmead.

APPEAL NO. 89-004

CORINNE FENDELL, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Appealing for Refund [of Penalty Imposed [on January 12, 1989, [for work done at [728 Hampshire Street. [APPLICATION NO. 8900308. [FOR HEARING TODAY. (2/21)

ACTION: After discussion, upon motion of Commissioner House, the Board voted 4-1 (Makras) to overrule the department and to reduce the penalty to two times the regular fee.

PEAKERS: (A) Connie Fendell, (D) Bob Kelley, assistant superintendent of Bureau of Building Inspection.

APPEAL NO. 88-014

ED CATAGNETTO, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Imposition of Penalty [on February 1, 1989, [for work done at [1616 Golden Gate Ave. [APPLICATION NO. 8901752. [FOR HEARING TODAY. (3/13)

ACTION: After discussion, upon motion of Commissioner House, the Board voted 5-0 to uphold the department.

PEAKERS: (A) Ed Catagnetto, (D) Bob Kelley.

APPEAL NO. 89-012

STANDISH DESIGN & CONSTRUCTION, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Denial on January 25, [1989, of permit to [Alter a Building at [4017-19 18th Street. [APPLICATION NO. 8900267. [FOR HEARING TODAY. (3/6)

ACTION: After discussion, upon motion of Vice President Makras, the Board voted 5-0 to overrule the department and to grant the permit with condition that the non complying cabinet must be finished with asbestos millboard and 28-gauge sheet metal to protect the combustible cabinet from the range top burners, in lieu of the Mechanical Code 30-inch vertical separation requirement.

SPEAKERS: (A) Burt Standish, (D) Bob Kelley.

APPEAL NO. 89-018

AIDA Z. GRAYBEAL, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Denial on January 31, 1989, of permit to Alter a Building at 279 Downey Street. APPLICATION NO. 8817753. FOR HEARING TODAY. (3/12)

ACTION: *After discussion, upon motion of Vice President Makras, the Board voted 5-0 to uphold the department and to deny the appeal.*

SPEAKERS: *(A) Joyce Chu, architect, (D) Bob Kelley, assistant superintentent BBI, (S) Klaus Naaser, Helga Naaser. The Board urged the appellant to seek a variance from the Bureau of Building Inspection.*

APPEAL NO. 89-013

ROSE MARIE GOULD, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Re-issuance on February 1, 1989, to Cencaland Property Investment Inc., permit to Demolish a Building at 212 Flood Ave. APPLICATION NO. 8894330. FOR HEARING TODAY. (3/13)

ACTION: *After discussion, upon motion of Commissioner Prior, the Board voted 4-1 (House) to uphold the department and to grant the demolition permit.*

SPEAKERS: *(A) Maynard Garrison, Esq., (P) Laurel Stanley, Esq., (D) Bob Kelley, Judith Boyajian, Esq. deputy City Attoney.*

Items 11A and 11B shall be heard together.

APPEAL NO. 88-250

S. H. A. R. P., Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on September 7, 1988, to Martin Lalor, permit to Erect a Structure at 1789/91 - 9th Ave. APPLICATION NO. 8711839. FOR HEARING TODAY. (11/1)

ACTION: *After discussion the Board continued the two appeals to the meeting of March 29, 1989 and scheduled a site inspection for 8:30 A.M. Monday, March 20, 1989. All parties are invited to inspect the premises.*

SPEAKERS: *(A) Yvonne Scarlet Golden, Richard Addad, Jennile McDonald, Lorraine Lucas, Hugh Bell, Sara Laird, Martha Pahnke, (P) Martin Lalor, Jack Wholey, Esq., Joe O'Donoghue.*

APPEAL NO. 89-026

DANITA SORENSON, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Same as 11A.

[Protesting issuance on January 30, 1989, to Martin Lalor, permit to Demolish a Building at 1789/91 - 9th Ave. APPLICATION NO. 8808833. FOR HEARING TODAY. (3/20)

APPEAL NO. 89-001

PETER TAI, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on December 30, 1988, to Chin-Teh Shin, permit to Alter a Building at 18 Presidio Terrace St. APPLICATION NO. 8715597. FOR HEARING TODAY. (2/14)

Continued prior to hearing at request of Steve Moscowitz, Esq. on behalf of the permit holder. Continued to meeting of March 8, 1989.

PUBLIC COMMENT: Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business President Marks adjourned the meeting at 8:35 P.M.

Robert H. Feldman, Executive Director

Transcripts of these hearings may be obtained through the official court reporter, Doris Levine, telephone (415) 456-9899.

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Attn: Jerry Roth
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A) APPELLANT AND SUPPORTERS
D) DEPARTMENT REPRESENTATIVES
P) PERMIT HOLDERS AND SUPPORTERS
S) DEPARTMENT SUPPORTERS

CONVENED: 5:10 P.M.
ADJOURNED: 9:02 P.M.

[MINUTES] [SF]

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MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, MARCH 15, 1989

5:00 P.M., ROOM 282, CITY HALL

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RESENT: PRESIDENT MARKS, VICE PRESIDENT MAKRAS, COMMISSIONERS RALPH HOUSE, PAUL MELBOSTAD, ND BEVERLY PRIOR.

MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:

FOR ADOPTION OF FINDINGS ONLY: Public hearing closed.

ITEM A: Appeal No. V88-265. Hearing December 7, 1988. Appellant had protested the issuance of an Exposure of a Dwelling Unit Variance sought for property at 1555 Lombard Street and 30½ Blackstone Court. Upon motion of President Marks, the Board voted 4 - 1 (Vice President Makras dissented) to overrule the Zoning Administrator and deny the variance.

TION: UPON MOTION OF COMMISSIONER MELBOSTAD, THE BOARD VOTED 5-0 TO ADOPT FINDINGS AS DIFIED.

Public Comment: Presentation shall be limited to three (3) minutes for each speaker.

EAKER: MR. ROBERT CLARKE REGARDING APPEAL NO. 88-176.

APPEAL NO. 88-292 *(THIS IS A REHEARING OF THIS MATTER.)*

SOL FRIEDMAN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on November 3,
[1988, of permit to
[Alter a Building at
[145 Laurel Street.
[APPLICATION NO. 8703147.
[FOR FURTHER HEARING. (12/13)

TION: UPON MOTION OF COMMISSIONER PRIOR, THE BOARD ted 4-1 TO OVERRULE THE DEPARTMENT AND GRANT THE PERMIT. CE PRESIDENT MAKRAS DISSENTED,) THE DEPT. IS OVERRULED AND THE PERMIT GRANTED. EAKERS: (A) HERB FRIEDMAN, HARRY O'BRIEN, ESQ., (D) ROBERT PASSMORE, CITY PLANNING. FINDINGS O CT ADOPTED.

APPEAL NO. 89-031

TORMUI TY, Appellant
vs.
POLICE DEPARTMENT, Respondent

[Denial on February 9,
[1989, of Masseuse permit
[at 450-B Jones Street.
[FOR HEARING TODAY. (3/27)

TION: UPON MOTION OF VICE PRESIDENT MAKRAS, THE BOARD TED 5-0 TO UPHOLD THE DEPARTMENT AND DENY THE PERMIT. SPEAKERS: (A) CHRIS HALL, ESQ., RMUI TY (D) JERRY AKINS, ESQ., OFFICER DAN O'SHEA, S.F.P.D. THE COURT REPORTER SWORE IN OSE PERSONS WHO WERE TO GIVE TESTIMONY IN THIS APPEAL PRIOR TO ITS HEARING.

APPEAL NO. 89-032

PAUL ACCINELLI, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Denial on February 16,
[1989, of permit to
[Alter a Building at
[2335-37 Francisco St.
[APPLICATION NO. 8610328.
[FOR HEARING TODAY. (3/28)

TION: UPON MOTION OF PRESIDENT MARKS, THE BOARD VOTED -0 TO UPHOLD THE DEPARTMENT AND DENY THE PERMIT. EAKERS: (A) PAUL ACCINELLI (D) LAWRENCE KORNFIELD, W (S) WILLIAM POWERS

APPEAL NO. 89-036

EDWARD KING, JR., Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on February 6,
[1989, of permit to
[Alter a Building at
[145 Stillman Street.
[APPLICATION NO. 8716863.
[FOR HEARING TODAY. (3/29)

TION: UPON MOTION OF VICE PRESIDENT MAKRAS, THE BOARD TED 4-1 (COMMISSIONER MELBOSTAD DISSENTED) TO UPHOLD IE DEPARTMENT AND DENY THE PERMIT. SPEAKERS: (D) ROBERT W. PASSMORE (A) EDWARD KING, JR., BERT KATZ.

APPEAL NO. 89-006

ROGER WONG C. DIP, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[January 6, 1988, to
[Julie Lee, permit to
[Alter a Building at
[1325 - 9th Avenue.
[APPLICATION NO. 8803489.
[FOR HEARING TODAY. (2/26)

IS APPEAL WITHDRAWN PRIOR TO THE MEETING.

APPEAL NO. 89-028

WEYMAN I. LUNDQUIST, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on [January 30, 1989, to [Susan T. Tocchini, [permit to Alter a [Building at 3733 [Broderick Street. [APPLICATION NO. 8810046. [FOR HEARING TODAY. (3/27)

ION: UPON MOTION OF COMMISSIONER PRIOR, BOARD VOTED 3-2 TO UPHOLD THE DEPARTMENT AND NT THE PERMIT (PRESIDENT MARKS AND COMMISSIONER BOSTAD VOTED TO OVERRULE THE DEPARTMENT.) FOUR VOTES DED TO OVERRULE THE DEPARTMENT IS UPHELD AND THE PERMIT GRANTED. SPEAKERS: (A) WEYMAN LUNDQUIST HERINE TAYLOR (P) KEITH WATSON, ARCHITECT.

RD RECESSED FROM 7:25 P.M TO 7:34 P.M.

APPEAL NO. 89-029

ANDREW BENTON, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on [January 27, 1989, to [Jose Vasquez, permit [to Alter a Building at [25 Vesta Street. [APPLICATION NO. 8817679. [FOR HEARING TODAY. (3/27)

S APPEAL WAS WITHDRAWN DURING THE MEETING PRIOR TO BEING CALLED FOR HEARING.

APPEAL NO. 89-033

DAVID J. MARX, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on [February 6, 1989, to [John Hirohata, permit [to Alter a Building at [53 Christopher Drive. [APPLICATION NO. 8817711. [FOR HEARING TODAY. (3/29)

TINUED FOR FURTHER HEARING TO APRIL 5, 1989.
AKERS: (A) DAVID J. MARX (P) WILLIAM HEIJN, ARCHITECT THE PERMIT HOLDER (D) ROBERT W. PASSMORE.

APPEAL NO. 89-037

TWIN PEAKS COUNCIL, INC., Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on [February 6, 1989, to [Michael Feldman, permit [to Erect a Structure at [201 Raccoon Drive. [APPLICATION NO. 8711134. [FOR HEARING TODAY. (4/2)

ION: UPON MOTION OF VICE PRESIDENT MAKRAS, THE BOARD TED 5-0 TO UPHOLD THE DEPARTMENT AND GRANT THE PERMIT BJECT TO CONDITIONS. SPEAKERS: (A) RAMONA ALBRIGHT, RGARET VERGES (A) KEITH CONSURE, JIM SCHMIDT (P) JERRY KLEIN, VIOLA FALCHETTI, DR. EARL ROBINSON RRY WOOD, MARGARET MORONEY, DOTTE CROWDER (A) EDITH MCMILLAN.

Public Comment: Presentation shall be limited to three (3) minutes for each speaker.
EAKER: MARGARET VERGES.

SPECIAL MEETING

APPEAL NO. 88-250

S. H. A. R. P., Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on [September 7, 1988, to [Martin Lalor, permit [to Erect a Structure [at 1789/91 - 9th Ave. [APPLICATION NO. 8711839. [SITE INSPECTION MONDAY, [MARCH 20, 1989, AT 8:30 A.M.

APPEAL NO. 89-026

DANITA SORENSON, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on [January 30, 1989, to [Martin Lalor, permit [to Demolish a Building [at 1789/91 - 9th Ave. [APPLICATION NO. 8806833. [SITE INSPECTION MONDAY, [MARCH 20, 1989, AT 8:30 A.M.

There being no further business to come before the Board, President Marks adjourned the meeting 9:02 p.m.

Robert H. Feldman

Robert H. Feldman, Executive Director

Transcripts of these hearings may be obtained through the official Court Reporter, Doris Levine, Telephone (415) 456-9899.

BOARD OF PERMIT APPEALS
CITY HALL
SAN FRANCISCO, CA 94102

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APPELLANT AND SUPPORTERS
DEPARTMENT REPRESENTATIVES
PERMIT HOLDERS AND SUPPORTERS
DEPARTMENT SUPPORTERS

CONVENED: 5:10 p.m.
ADJOURNED: 8:09 p.m.

MINUTES

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, MARCH 29, 1989

5:00 P.M., ROOM 282, CITY HALL

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ESENT: PRESIDENT MARKS, VICE PRESIDENT MAKRAS, COMMISSIONERS RALPH HOUSE, JL MELBOSTAD, AND BEVERLY PRIOR.

MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:

REPORT BY DEPARTMENTS:

ITEM A: Appeal No. 88-176. Report by departments of compliance with conditions of Board's approval of Building Permit Application No. 8706937 for an addition at 623 - 22nd Avenue. On August 10, 1988, upon motion of Commissioner House, the Board voted 4 - 0 (Commissioner Prior absent) to uphold the department and grant the permit subject to conditions. *ACTION: UPON MOTION OF COMMISSIONER PRIOR, THE BOARD VOTED 0 TO ENDORSE THE RECOMMENDATIONS OF THE STAFF. SPEAKERS: (A) ROBERT CLARKE (D) ROBERT PASSMORE, BERT H. FELDMAN AND LAURENCE KORNFIELD.*

FOR ADOPTION OF FINDINGS ONLY: Public hearing closed.

ITEM B: Appeal No. 88-293, 88-294, and 88-295. Hearing on February 8, 1989, and final vote on March 1, 1989. The Chinatown Neighborhood Improvement Resource Center, etal, the appellant, had protested the issuance of building permits to erect a structure at 8 Wetmore Street, and two structures at 959 Powell Street. Upon motion of President Marks, the Board voted 4 - 0 to overrule the department and deny the permits. (Commissioner Prior was excused from voting on this issue).

NSIDERATION OF THIS MATTER CONTINUED TO APRIL 5, 1989.

Public Comment: Presentation shall be limited to (3) three minutes for each speaker.

SPEAKERS.

APPEAL NO. V88-324

MARVIN ISRAEL, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Protesting Condition of
[Variance granted on
[December 6, 1988, for
[property located at
[455 Hoffman Avenue.
[VARIANCE CASE NO. 88.542V.
[FOR FURTHER REHEARING TODAY. (1/15)

CTION: UPON MOTION OF COMMISSIONER MELBOSTAD, THE BOARD OTED 5-0 TO OVERRULE THE DEPARTMENT AND DELETE THE ONDITION IMPOSED ON THE GRANTING OF THE VARIANCE. HE BOARD IMPOSED THE CONDITION THAT THE APPELLANT ILE A NOTICE OF SPECIAL RESTRICTIONS ON THE LAND RECORDS STATING THAT THE BUILDING WILL ONTAIN TWO UNITS ONLY. SPEAKERS: ROBERT W. PASSMORE, ZONING ADMINISTRATOR.

Items 4A and 4B shall be heard together.

APPEAL NO. 88-250

S. H. A. R. P., Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[September 7, 1988, to
[Martin Lalor, permit
[to Erect a Structure
[at 1789/91 - 9th Ave.
[APPLICATION NO. 8711839.
[FOR FURTHER HEARING TODAY. (11/1)

CTION: UPON MOTION OF COMMISSIONER PRIOR, THE BOARD OTED 4-1 (COMMISSIONER MELBOSTAD DISSENTED) TO UPHOLD HE DEPARTMENT AND GRANT THE PERMIT SUBJECT TO ONDITIONS: SPEAKERS: (D) JOE GRUBB, DAHI, ROBERT W. PASSMORE, ZONING ADMINISTRATOR. A) RICHARD ADDAD (P) MARTIN LALOR, JACK WHOLEY, ESQ.

APPEAL NO. 89-026

DANITA SORENSON, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[January 30, 1989, to
[Martin Lalor, permit
[to Demolish a Building
[at 1789/91 - 9th Ave.
[APPLICATION NO. 8808833.
[FOR FURTHER HEARING TODAY. (3/20)

CTION: SAME AS APPEAL NO. 88-250.

MINUTES

APPEAL NO. 89-038

NIZAR LAMA, Appellant
vs.
DEPT. CITY PLANNING, Respondent

[Protesting condition of issuance on February 8, 1989, of Type 21 License at 1865 Laguna Street, that hours of operation are limited to between 6:00 a.m. & 10:00 p.m. FOR HEARING TODAY. (4/1)

CTION: UPON MOTION OF COMMISSIONER HOUSE, THE BOARD OTED 5-0 TO UPHOLD THE DEPARTMENTS ORDER. PEAKERS: (D) MARY GALLAGHER, CITY PLANNING, ROBERT ASSMORE, ZONING ADMINISTRATOR (A) SHUKRY LAMA, BROTHER THE APPELLANT.

PRESIDENT MARKS RECESSED THE BOARD FROM 6:34 P.M. TO 6:45 P.M.

APPEAL NO. 89-039

MARGARET MOUNTIN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on February 15, 1989, to Dick Mak, permit to Alter a Building at 18 Radio Terrace. APPLICATION NO. 8803971. FOR HEARING TODAY. (4/11)

PON MOTION OF OF VICE PRESIDENT MAKRAS, THE BOARD OTED 5-0 TO UPHOLD THE DEPARTMENT AND GRANT THE PERMIT PEAKERS: (A) MARTIN J. O'MALLEY, ESQ., (P) DICK MAK D) LAURENCE KORNFIELD, BUREAU OF BUILDING INSPECTION.

Items 7A and 7B shall be heard together.

APPEAL NO. 89-040

NATIONAL TREASURY EMPLOYEE'S UNION CHAPTER 212, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on February 17, 1989, to Hawthorne Plaza Limited, permit to Alter a Building at 75 Hawthorne Street. APPLICATION NO. 8819946. FOR HEARING TODAY. (4/15)

CTION: UPON MOTION OF VICE PRESIDENT MAKRAS, THE BOARD OTED 5-0 TO UPHOLD THE DEPARTMENT AND GRANT THE PERMTIT PEAKERS: (A) IAN McLEAN, RICK SPECTOR, TAMARA STRASSER. P) HENRY POY, KHEAY LOKE, K.N.TAUN, ILENE KOCH D) LAURENCE KORNFIELD, BUREAU OF BUILDING INSPECTION (S) THOMAS V. HAWKINS, ESQ., JOE YAWKIS, CSAA.

APPEAL NO. 89-046

NATIONAL TREASURY EMPLOYEE'S UNION CHAPTER 212, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on February 17, 1989, to Arcon Limited, permit to Alter a Building at 75 Hawthorne Street. APPLICATION NO. 8819952. FOR HEARING TODAY. (4/19)

CTION: SAME AS APPEAL NO. 89-040.

APPEAL NO. V89-035

RICHARD SANDER, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on February 16, 1989, of Rear Yard, Usable Open Space & Minimum Lot Size Variances sought at 1120 - 24 Clay Street/ 21-23 Truett Street. VARIANCE CASE NO. 88.682EV. FOR HEARING TODAY. (3/28)

CTION: UPON MOTION OF PRESIDENT MARKS, THE BOARD VOTED 5-0 TO UPHOLD THE ZONING ADMINISTRATOR'S DENIAL OF THE VARIANCES. FINDINGS OF FACT IN ZONINING ADMINISTRATOR'S DECISION ADOPTED BY THE BOARD. (D) ROBERT W. PASSMORE (A)RICHARD SANDER, JACK WHOLEY, ESQ.

Public Comment: Presentation shall be limited to three (3) minutes for each speaker.

NO SPEAKERS.

SPECIAL MEETING

APPEAL NO. V88-324

MARVIN ISRAEL, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Protesting Condition of Variance granted on December 6, 1988, for property located at 455 Hoffman Avenue. VARIANCE CASE NO. 88.542V. SITE INPSECTION WEDNESDAY, MARCH 29, 1989; AT 8:30 A.M.

INPSECTION HELD: PRESENT, MARKS, MAKRAS, HOUSE, AND MELBOSTAD (PRIOR ABSENT): ROBERT W. PASSMORE AND ROBERT H. FELDMAN, EXECUTIVE DIRECTOR.

There being no further business to come before the Board, President Marks adjourned the hearing at 8:09 p.m.

Robert H. Feldman

Robert H. Feldman, Executive Director

Transcripts of these hearings may be obtained through the official Court Reporter, Doris Levine, telephone (415) 456-9899.

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) APPELLANT AND SUPPORTERS
) DEPARTMENT REPRESENTATIVES
) PERMIT HOLDERS AND SUPPORTERS
) DEPARTMENT SUPPORTERS

MINUTES

CONVENED: 5:09 p.m.
ADJOURNED: 7:40 p.m.

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MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, APRIL 5, 1989

5:00 P.M., ROOM 282, CITY HALL

SENT: PRESIDENT MARKS, VICE PRESIDENT MAKRAS, COMMISSIONERS RALPH HOUSE, PAUL MELBOSTAD BEVERLY PRIOR.

MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:

REQUESTS FOR REHEARING:

ITEM A: Letter from Christopher C. Hall, Esq., on behalf of Tormui Ty, requesting rehearing of Appeal No. 89-031. Hearing March 15, 1989. Appellant protested the denial of masseuse permit at 450 - B Jones Street. Upon motion of Vice President Makras, the Board voted 5-0 to uphold the department and deny the permit.

CTION: UPON MOTION OF COMMISSIONER MELBOSTAD, THE BOARD VOTED 5-0 NOT TO REHEAR THIS MATTER.

ITEM B: Letter from Weyman I. Lundquist, Esq., requesting rehearing of Appeal No. 89-028. Hearing March 15, 1989. Appellant protested the issuance of permit to alter a building at 3733 Broderick Street. Upon motion of Commissioner Prior, the Board voted 3-2 to uphold the department and grant the permit. (President Marks and Commissioner Melbostad dissented.)

CTION: UPON MOTION OF COMMISSIONER MELBOSTAD, THE BOARD VOTED 3-2 TO GRANT THE REHEARING COMMISSIONER HOUSE AND COMMISSIONER PRIOR DISSENTED). FOUR VOTES NEEDED TO GRANT THE EHEARING, THE REQUEST FOR REHEARING IS DENIED.

ITEM C: Letter from Ramona Albright requesting rehearing of Appeal No. 89-037. Hearing March 15, 1989. Appellant had appealed the issuance of permit to erect a structure at 201 Raccoon Drive. Upon motion of Vice President Makras, the Board voted 5-0 to uphold the department and grant the permit subject to conditions.

CTION: UPON MOTION OF VICE PRESIDENT MAKRAS, THE BOARD VOTED 3-2 NOT TO REHEAR THIS MATTER PRESIDENT MARKS AND COMMISSIONER MELBOSTAD DISSENTED). THE MATTER WILL NOT BE REHEARD.
PEAKERS: (D) JUDY BOYAJIAN, DEPUTY CITY ATTORNEY, ROBERT W. PASSMORE, ZONING ADMINISTRATOR, P) JERRY KLEIN (A) ROMANA ALBRIGHT, MR. FALCHETTI.

FOR ADOPTION OF FINDINGS ONLY: Public hearing closed.

ITEM D: Appeals No. 88-293, 88-294, and 88-295. Hearing on February 8, 1989, and final vote on March 1, 1989. The Chinatown Neighborhood Improvement Resource Center, etal, the appellant, had protested the issuance of building permits to erect a structure at 8 Wetmore Street, and two structures at 959 Powell Street. Upon motion of President Marks, the Board voted 4 - 0 to overrule the department and deny the permits. (Commissioner Prior was excused from voting on this issue).

CTION: UPON MOTION OF COMMISSIONER MELBOSTAD, THE BOARD VOTED 4-0 TO ADOPT THE FINDINGS S AMENDED. COMMISSIONER PRIOR WAS EXCUSED FROM VOTING ON THIS MATTER DUE TO A POSSIBLE ONFLICT OF INTEREST.

ITEM E: Appeal No. V88-324. Rehearing on March 15, 1989. Site inspection and decision on March 29, 1989. The appellant, Marvin Israel, had protested the imposition of a condition in the granting of a variance to legalize a second dwelling unit at 455 Hoffman Street. Upon motion of Commissioner Melbostad, the Board voted 5-0 to overrule the department and delete the condition to create a second tandem parking space behind the existing single space in the garage with a new condition that the appellant record a Notice of Special Restrictions restricting use of the subject building to two units only.

CTION: UPON MOTION OF COMMISSIONER MELBOSTAD, THE BOARD VOTED 5-0 TO ADOPT THE FINDINGS S AMENDED.

2 **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.
PEAKERS: ROBERT W. PASSMORE, EDITH MCMILLAN, AND LAURENCE KORNFIELD.

Items 3A through 3D shall be heard together.

APPEAL NO. 89-048

MARC E. MINARDI & BRUCE DAVIES,
vs. Appellants
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

PRIOR TO THE HEARING, THIS MATTER WAS CONTINUED TO THE MEETING OF APRIL 26, 1989.

[Protesting issuance on
[March 6, 1989, to
[Lynn Susoeff, permit
[to Alter a Building at
[2 Southern Heights Ave.
[APPLICATION NO. 8806841.
[FOR HEARING TODAY. (4/29)

APPEAL NO. 89-049

MARC E. MINARDI & BRUCE DAVIES,
vs. Appellants
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

PRIOR TO THE HEARING, THIS MATTER WAS CONTINUED TO THE MEETING OF APRIL 26, 1989.

[Protesting issuance on
[March 6, 1989, to
[Lynn Susoeff, permit
[to Alter a Building at
[4 Southern Heights Ave.
[APPLICATION NO. 8806840.
[FOR HEARING TODAY. (4/29)

APPEAL NO. 89-050

MARC E. MINARDI & BRUCE DAVIES,
vs. Appellants
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

PRIOR TO THE HEARING, THIS MATTER WAS CONTINUED TO THE MEETING OF APRIL 26, 1989.

[Protesting issuance on
[March 6, 1989, to
[Lynn Susoeff, permit
[to Alter a Building at
[6 Southern Heights Ave.
[APPLICATION NO. 8806842.
[FOR HEARING TODAY. (4/29)

APPEAL NO. 89-051

MARC E. MINARDI & BRUCE DAVIES,
vs. Appellants
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

PRIOR TO THE HEARING, THIS MATTER WAS CONTINUED TO THE MEETING OF APRIL 26, 1989.

[Protesting issuance on
[March 6, 1989, to
[Lynn Susoeff, permit
[to Alter a Building at
[8 Southern Heights Ave.
[APPLICATION NO. 8806843.
[FOR HEARING TODAY. (4/29)

APPEAL NO. 89-043

INVERNESS HOTEL TENANTS ASSOCIATION,
vs. Appellant
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

UPON MOTION OF COMMISSIONER MELBOSTAD, THE BOARD VOTED 4-0 TO EXCUSE COMMISSIONER PRIOR FROM HEARING THIS MATTER DUE TO A POSSIBLE CONFLICT OF INTEREST.

[Protesting issuance on
[February 22, 1989,
[to Taldan Investment
[Company, permit to
[Alter a Building at
[1405 Van Ness Avenue.
[APPLICATION NO. 8818880.
[FOR HEARING TODAY. (4/18)

ACTION: UPON MOTION OF COMMISSIONER HOUSE, THE BOARD VOTED 4-0 TO UPHOLD THE DEPARTMENT AND GRANT THE PERMIT SUBJECT TO CONDITIONS.

SPEAKERS: (A) RANDALL M. SHAW, ESQ. (P) ROBERT MCCARTHY, ESQ., KENNETH GOLDIN, ESQ. AND ZEV BEN-SIMON.

ESIDENT MARKS RECESSED THE BOARD FROM 7 p.m. to 7:09 p.m.

APPEAL NO. 89-033

DAVID J. MARX, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[February 6, 1989, to
[John Hirohata, permit
[to Alter a Building at
[53 Christopher Drive.
[APPLICATION NO. 8817711.
[FOR FURTHER HEARING TODAY. (3/29)

TION: UPON MOTION OF COMMISSIONER MELBOSTAD, THE BOARD TED 5-0 TO UPHOLD THE DEPARTMENT AND GRANT THE PERMIT BJECT TO CONDITIONS. SPEAKERS: (A) DAVID MARX (D) ROBERT W. PASSMORE.

APPEAL NO. 89-044

ALEX S. CASSIMUS, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Appealing for refund of
[penalty imposed on
[March 9, 1989, for work
[done at 975 Church St.
[APPLICATION NO. 8802521.
[FOR HEARING TODAY. (4/18)

IOR TO THE HEARING, THIS MATTER WAS CONTINUED TO THE ETING OF APRIL 26, 1989.

APPEAL NO. 89-047

HONG KONG MARKET, INC., Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Denial on March 13,
[1989, of permit to
[Alter a Building at
[1134 Grant Avenue.
[APPLICATION NO. 8902333.
[FOR HEARING TODAY. (4/25)

IS MATTER CONTINUED TO THE MEETING OF APRIL 26, 1989, R FURTHER HEARING. SPEAKERS: (D) LAURENCE KORNFIELD, ILDING INSPECTOR, DPW. (P) SHERMAN WANG.

APPEAL NO. 89-042

STEPHEN RYAN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[February 28, 1989, to
[Oliver Wen, permit to
[Demolish a Building at
[1843 - 10th Avenue.
[APPLICATION NO. 8815473.
[FOR HEARING TODAY. (4/18)

PELLANT, STEPHEN RYAN, WITHDREW HIS APPEAL PRIOR TO IE HEARING. SPEAKERS: (P) OLIVER WEN AND JEREMY OTAS, ARCHITECT WERE HEARD BRIEFLY FOLLOWING THE OARD'S RECEIPT OF THE WITHDRAWAL LETTER.

APPEAL NO. 89-045

L & J DESIGN & CONSTRUCTION CO.,
vs. Appellant
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[February 23, 1989, to
[Sung Wi, permit to
[Alter a Building at
[270-272 - 22nd Avenue.
[APPLICATION NO. 8817586.
[FOR HEARING TODAY. (4/18)

PELLANT WITHDREW APPEAL PRIOR TO THE MEETING.

) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.
) *SPEAKERS.*

ERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, PRESIDENT MARKS ADJOURNED THE MEETING 8:09 p.m.

Robert H. Feldman

ROBERT H. FELDMAN, EXECUTIVE DIRECTOR

RANSCRIPTS OF THESE HEARINGS MAY BE OBTAINED THROUGH THE OFFICIAL COURT REPORTER, DORIS INE, TELEPHONE (415) 456-9899.

ESTHER Y. MARKS	PRESIDENT
VICTOR G. MAKRAS	VICE PRESIDENT
RALPH D. HOUSE	COMMISSIONER
PAUL H. MELBOSTAD	COMMISSIONER
BEVERLY J. PRIOR	COMMISSIONER

DORIS LEVINE - OFFICIAL COURT REPORTER - 456-9899

THE PRESIDING OFFICER WILL CALL A RECESS WHENEVER NECESSARY FOR THE CONVENIENCE OF THE HEARING REPORTER.

BOARD OF PERMIT APPEALS RULES, ARTICLE 1, SECTION 5

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven (7) minutes for thier presentation and three (3) minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven (7) minutes for oral argument and three (3) minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal, and the permit holder shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal. The Board may request a departmental response at its own discretion.

In cases of multiple appeals of the same departmental action or permit the appeals shall be joined and the appellants shall each be allowed seven (7) minutes to present oral arguments and three (3) minutes each for rebuttal and shall speak consecutively, and the permit holder shall be allowed seven (7) minutes for roal arguments and, for each appeal filed, three (3) minutes for rebuttal.

Other persons desiring to speak before the Board on an appeal may speak once for up to three (3) minutes.

Any written submittals must be received by the Board not later than five days before the appointed hearing, with copies of said written submittals received by the departmental representatives and other principals by the same day.

The Board shall consider the departmental letter deemed as read, and such must be received by the Board no later than two days prior to the appointed hearing.

Each member present at a meeting shall vote for or against the matter before them unless a commissioner is excused from voting by a motion adopted by a majority of the members present. (Amended April 20, 1988)

SPECIAL NOTES

Pursuant to the Board's Rules any written evidence or arguments in writing must be received by opposing parties and departments as well as by the Board not later than five days before the hearing.

Mailed notice of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 554-6720 for scheduling or other information during regular business hours.

The complete Rules of the Board are available for review at the Board office.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

Robert H. Feldman
Executive Director
(415) 554-6720

City and County of San Francisco
BOARD OF PERMIT APPEALS
Room 154-A, City Hall
San Francisco, California 94102

BOARD OF PERMIT APPEALS
Room 154-A City Hall
San Francisco, CA 94102

(A) APPELLANT AND SUPPORTERS
(D) DEPARTMENT REPRESENTATIVES
(P) PERMIT HOLDERS AND SUPPORTERS
(S) DEPARTMENT SUPPORTERS

CONVENED: 5:07
ADJOURNED: 9:09 p.m.

MINUTES

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MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, APRIL 26, 1989

5:00 P.M., ROOM 282, CITY HALL

PRESENT: PRESIDENT MARKS, VICE PRESIDENT MAKRAS, COMMISSIONERS RALPH HOUSE, PAUL MELBOSTAD, AND BEVERLY PRIOR. 4:00 (1) WORKSHOP BY COMMISSIONER PRIOR ON READING PLANS.

MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:

REQUESTS FOR REHEARING:

ITEM A: Letter from Robert J. McCarthy, Esq., on behalf of Markdikian Enterprises, requesting rehearing of Appeals Nos. 88-293, 88-294, and 88-295. Appeals heard together on February 8, 1989 and March 1, 1989. Findings adopted on April 5, 1989. Appellants, the Chinatown Neighborhood Improvement Resource Center, et al, had protested the issuance of permits to erect structures at 959 Powell Street and 8 Wetmore Street. Upon motion of President Marks, the Board voted 4 - 0 to overrule the department and deny the permit. (Commissioner Prior was excused from voting on this issue).

CTION: UPON MOTION OF VICE PRESIDENT MAKRAS, THE BOARD VOTED 4-0 NOT TO GRANT A REHEARING. OMMISSIONER PRIOR ABSTAINED FROM THE VOTING.

ITEM B: Letter from David Owen, Rick Spector, and Ian McLean on behalf of the National Treasury Employee's Union, Chapter 212, requesting rehearing of Appeals Nos. 89-040 and 89-046. These appeals were heard together on March 29, 1989. The appellants had protested the issuances on February 17, 1989 and March 1, 1989 permits to alter a building at 75 Hawthorne Street. Upon motion of Vice President Makras, the Board voted 5 - 0 to uphold the department and grant the permits.

CTION: UPON MOTION OF VICE PRESIDENT MAKRAS, THE BOARD VOTED 5-0 NOT TO GRANT A REHEARING.

Public Comment: Presentation shall be limited to three (3) minutes for each speaker.
NO SPEAKERS.

APPEAL NO. 89-047

HONG KONG MARKET, INC., Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Denial on March 13,
[1989, of permit to
[Alter a Building at
[1134 Grant Avenue.
[APPLICATION NO. 8902333.
[FOR FURTHER HEARING TODAY. (4/25)

CTION: Upon motion of Commissioner Prior, the Board oted 2-3 TO OVERRULE THE DEPARTMENT. FOUR VOTES NEEDED O OVERRULE, THE DEPARTMENT IS UPHELD AND THE PERMIT ENIED. COMMISSIONERS HOUSE, MELBOSTAD, AND VICE PRESIDENT MAKRAS DISSENTED.

Items 4A through 4D shall be heard together.

APPEAL NO. 89-048

MARC E. MINARDI & BRUCE DAVIES,
vs. Appellants
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[March 6, 1989, to
[Lynn Susoeff, permit
[to Alter a Building at
[2 Southern Heights Ave.
[APPLICATION NO. 8806841.
[FOR HEARING TODAY. (4/29)

CTION: UPON MOTION OF COMMISSIONER PRIOR, THE BOARD OTED 4-1 TO UPHOLD THE DEPARTMENT AND GRANT THE PERMITS UBJECT TO CONDITIONS. PRESIDENT MARKS DISSENTED.

PEAKERS: (D) JUDY BOYAJIAN, DEPUTY CITY ATTORNEY, LAWRENCE KORNFIELD, BUREAU OF BUILDING NSPECTION (A) MARC MINARDI, BRUCE DAVIES, DENNIS EDELMAN, DEBORAH JONES, RICHARD REINECCIUS, SCOTT ANTHONY, LYNN KLEIN AND MICHAEL DINGLE (P)LYNN SUSOEFF, ALICE BARKLEY, ESQ., JOE O'DONOGHUE ND PAUL CHOW, ARCHITECT.

APPEAL NO. 89-049

MARC E. MINARDI & BRUCE DAVIES,
vs. Appellants
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[March 6, 1989, to
[Lynn Susoeff, permit
[to Alter a Building at
[4 Southern Heights Ave.
[APPLICATION NO. 8806840.
[FOR HEARING TODAY. (4/29)

EE ITEM 4A.

MINUTES

Items 4A through 4D shall be heard together.

APPEAL NO. 89-050

MARC E. MINARDI & BRUCE DAVIES,
vs. Appellants
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[March 6, 1989, to
[Lynn Susoeff, permit
[to Alter a Building at
[6 Southern Heights Ave.
[APPLICATION NO. 8806842.
[FOR HEARING TODAY. (4/29)

EE ITEM 4A.

APPEAL NO. 89-051

MARC E. MINARDI & BRUCE DAVIES,
vs. Appellants
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[March 6, 1989, to
[Lynn Susoeff, permit
[to Alter a Building at
[8 Southern Heights Ave.
[APPLICATION NO. 8806843.
[FOR HEARING TODAY. (4/29)

EE ITEM 4A.

SIDENT MARKS RECESSED THE BOARD FROM 6:45 p.m. to 6:56 p.m.

APPEAL NO. 89-044

ALEX S. CASSIMUS, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Appealing for Refund
[of Penalty imposed
[on March 9, 1989,
[for work done at
[975 Church Street.
[APPLICATION NO. 8802521.
[FOR HEARING TODAY. (4/18)

TION: UPON MOTION OF VICE PRESIDENT MAKRAS, THE BOARD TED 5-0 TO UPHOLD THE DEPARTMENT AND SUSTAIN THE NALTY. SPEAKERS: (D) LAWRENCE KORNFIELD (A) HOWARD HN.

APPEAL NO. 89-052

STERLING ROOFING COMPANY, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Appealing for Refund
[of Penalty imposed
[on March 20, 1989,
[for work done at
[1059 Clement Street.
[APPLICATION NO. 8904348.
[FOR HEARING TODAY. (4/29)

TION: UPON MOTION OF VICE PRESIDENT MAKRAS, THE BOARD TED 4-1 TO OVERRULE THE DEPARTMENT AND REDUCE THE NALTY. SPEAKERS: (A) DENNIS COWLEY (D) LAWRENCE RNFIELD. COMMISSIONER HOUSE DISSENTED. PENALTY REDUCED $500.00.

APPEAL NO. 89-054

HO ON LOUIE, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Appealing for Refund
[of Penalty imposed
[on March 22, 1989,
[for work done at
[574-580 Haight Street.
[APPLICATION NO. 8904082.
[FOR HEARING TODAY. (5/3)

TION: UPON MOTION OF VICE PRESIDENT MAKRAS, THE BOARD TED 5-0 TO UPHOLD THE DEPARTMENT AND SUSTAIN THE NALTY. SPEAKERS: (A) HO ON LOUIE (D) LAWRENCE RNFIELD.

APPEAL NO. 89-056

IKC CONSTRUCTION & ROOFING, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Imposition of Penalty
[on March 27, 1989,
[for work done at
[1979 - 43rd Avenue.
[APPLICATION NO. 8904800.
[FOR HEARING TODAY. (5/6)

ACTION: UPON MOTION OF VICE PRESIDENT MAKRAS, THE BOARD VOTED 5-0 TO UPHOLD THE DEPARTMENT AND SUSTAIN THE PENALTY. APPELLANT DID NOT APPEAR AT THE HEARING.

APPEAL NO. 89-057

THOMAS R. FOX, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Appealing for Refund
[of Penalty imposed
[on March 28, 1989,
[for work done at
[401 Montecito Avenue.
[APPLICATION NO. 8904358.
[FOR HEARING TODAY. (5/8)

ACTION: UPON MOTION OF COMMISSIONER HOUSE, THE BOARD VOTED 5-0 TO UPHOLD THE DEPARTMENT AND SUSTAIN THE PENALTY. SPEAKERS: (A) THOMAS FOX (D) LAWRENCE KORNFIELD.

APPEAL NO. 89-059

WILLIAM BROWN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Appealing for Refund
[of Penalty imposed
[on March 29, 1989,
[for work done at
[440 Laurel Street.
[APPLICATION NO. 8904206.
[FOR HEARING TODAY. (5/10)

ACTION: UPON MOTION OF VICE PRESIDENT MAKRAS, THE BOARD VOTED 5-0 TO OVERRULE THE DEPARTMENT AND REDUCE THE PENALTY. SPEAKERS: (A) WILLIAM BROWN (D) LAWRENCE KORNFIELD. PENALTY REDUCED TO $500.00.

APPEAL NO. 89-053

CASA DE LA RAZA, INC., Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

THIS MATTER CONTINUED TO MAY 17, 1989, FOR HEARING, AT REQUEST OF APPELLANT.

[Denial of Alteration
[permit by Bureau of
[Building Inspection
[on March 14, 1989,
[to change occupancy
[classification from
[R-3 to E-3 to allow
[a child care facility
[at 90 Bartlett Street.
[APPLICATION NO. 8816173.
[FOR HEARING TODAY. (5/2)

APPEAL NO. V89-041

BROOK & SHAWN BYERS, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Protesting Condition of
[of Variance granted on
[February 24, 1989, for
[property located at
[3636 Washington Street.
[VARIANCE CASE NO. 88.300V.
[FOR HEARING TODAY. (4/15)

ACTION: UPON MOTION OF COMMISSIONER PRIOR, THE BOARD VOTED 5-0 TO OVERRULE THE DEPARTMENT AND DELETE THE CONDITION ATTACHED TO THE GRANTING OF THE VARIANCE SUBJECT TO CONDITIONS. SPEAKERS: (A) BROOK BYERS, DAN PHIPPS, RICHARD BINKOFF (D) ROBERT W. PASSMORE, ZONING ADMINISTRATOR, JOE CLINE. CONDITION NO. 1 IS DELETED AND CONDITION NO. 2 IS UPHELD. FINDINGS OF THE ZONING ADMINISTRATOR ARE UPHELD EXCEPT WHERE THEY ARE INCONSISTENT WITH THIS DECISION.

MINUTES

APPEAL NO. 89-068

CHARLES & DIANE FRANKEL, Appellants
1) vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[March 20, 1989, to
[Randy George, permit
[to Alter a Building
[at 361 Lombard Street.
[APPLICATION NO. 8808752.
[FOR HEARING TODAY. (5/15)

ONTINUED TO MAY 24, 1989, FURTHER HEARING.

PEAKERS: (A) JACK WHOLEY, ESQ., CHARLES FRANKEL, JACK OSS, HARRY HUNT, GEORGE GORING, MARGARET DE BASILIO, ATHERING CARAGEL, MARK GORNEY, EARL DENNIS (D) ROBERT W. PASSMORE (P) RICHARD HARRIS, ESQ., ANDY AND JOANNA GEORGE, PEGGY SMITH, DOUG EMERSON. (SITE INSPECTION SCHEDULED FOR MONDAY, AY 22, 1989, AT 8:30 a.m.)

Items 15A and 15B shall be heard together. *THESE ITEMS HEARD AT THE BEGINNING OF THE MEETING.*

APPEAL NO. 89-075

GEORGE BISAILLON, Appellant
5A) vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance
[on March 31, 1989,
[to Kotas Pantaleoni
[Architects, permit to
[Demolish a Building
[at 2559 Diamond Street.
[APPLICATION NO. 8812330.
[FOR HEARING TODAY. (5/9)

CTION: UPON MOTION OF COMMISSIONER HOUSE, THE BOARD OTED 5-0 TO UPHOLD THE DEPARTMENT AND GRANT THE PERMIT UBJECT TO CONDITIONS AGREED UPON BY THE PARTIES. NO ESTIMONY TAKEN. PRESENT WERE (A) CLAIRE PILCHER, ESQ., ND (P) ANTHONY PANTALEONI.

APPEAL NO. 89-058

GEORGE BISAILLON, Appellant
5B) vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance
[on March 31, 1989,
[to Kotas Pantaleoni
[Architects, permit to
[Erect a Structure
[at 2559 Diamond Street.
[APPLICATION NO. 8812333.
[FOR HEARING TODAY. (5/23)

EE ITEM 15A.

5) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

O SPEAKERS.

HERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, PRESIDENT MARKS ADJOURNED THE MEETING T 9:09 p.m.

Robert H. Feldman

Robert H. Feldman, Executive Director

RANSCRIPTS OF THESE HEARINGS MAY BE OBTAINED THROUGH THE OFFICIAL COURT REPORTER, DORIS EVINE, TELEPHONE (415) 456-9899.

A) APPELLANT AND SUPPORTERS
D) DEPARTMENT REPRESENTATIVES
P) PERMIT HOLDERS AND SUPPORTERS
S) DEPARTMENT SUPPORTERS

CONVENED: 5:07 P.M.
ADJOURNED: 8:35 P.M.

MINUTES

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, MAY 10, 1989

5:00 P.M., ROOM 282, CITY HALL

RESENT: PRESIDENT MARKS, VICE PRESIDENT MAKRAS, COMMISSIONERS RALPH HOUSE, PAUL MELBOSTAD, ND BEVERLY PRIOR.

MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE.

REPORT BY LAWRENCE KORNFIELD, CHIEF BUILDING INSPECTOR, ON COMPLIANCE WITH CONDITIONS AT 39 GENOA STREET.

Public Comment: Presentation shall be limited to three (3) minutes for each speaker.
NO SPEAKERS.

APPEAL NO. 89-060

CAROL ELVIN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Imposition of Penalty
[on March 23, 1989,
[for work done at
[302-308 - 26th Avenue.
[APPLICATION NO. 8903213.
[FOR HEARING TODAY. (5/2)

CTION: UPON MOTION OF COMMISSIONER HOUSE, THE BOARD OTED 5-0 TO OVERRULE THE DEPARTMENT AND REDUCE THE ENALTY TO TWO TIMES THE REGULAR FEE PLUS A $1000.00 ENALTY. SPEAKERS: (A) ARTHUR ELVIN (D) LAWRENCE KORNFIELD, CHIEF, BUREAU OF BUILDING NSPECTION.

APPEAL NO. 89-063

DOV MICHAELI, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Imposition of Penalty
[on March 31, 1989,
[for work done at
[555 Vermont Street.
[APPLICATION NO. 8903348.
[FOR HEARING TODAY. (5/3)

CTION: UPON MOTION OF COMMISSIONER MELBOSTAD, THE BOARD OTED 4-1 TO OVERRULE THE DEPARTMENT AND REDUCE THE ENALTY TO TWO TIMES THE REGULAR FEE. SPEAKERS: (A) DOV CHAELI (D) LAWRENCE KORNFIELD. COMMISSIONER HOUSE DISSENTED.

APPEAL NO. 89-064

ALFRED DUMLAO, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Imposition of Penalty
[on April 3, 1989,
[for work done at
[543 Jersey Street.
[APPLICATION NO. 8904077.
[FOR HEARING TODAY. (5/6)

CTION: UPON MOTION OF COMMISSIONER HOUSE, THE BOARD OTED 4-1 TO OVERRULE THE DEPARTMENT AND REDUCE THE ENALTY TO TWO TIMES THE MINIMUM FEE PLUS A PENALTY OF 500.00. SPEAKERS: (A) ALFRED DUMLAO, ARTHUR B. EWING (C) LAWRENCE KORNFIELD. OMMISSIONER MAKRAS DISSENTED.

APPEAL NO. 89-070

ADAM SPARKS, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
DAHI DISAPPROVAL

[Denial on March 31, 1989,
[of permit to convert 69
[rooms from residential
[use to tourist use at
[520 Jones Street.
[FOR HEARING TODAY. (5/17)

PON MOTION OF PRESIDENT MARKS, THE BOARD VOTED 5-0 TO PHOLD THE DEPARTMENT AND DENY THE PERMIT. SPEAKERS: D) DEPUTY CITY ATTORNEYS JUDY BOYAJIAN AND TOM OWEN. (A) ELIZABETH GRAYSON, ESQ., AND DAM SPARKS, (S) RON HALFHILL, NANCY RUSSELL, DIRECTOR OF NORTH OF MARKET PLANNING COALITION.

APPEAL NO. 89-071

SHARI W. ALARCON, etal, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on
[March 29, 1989, to Ruff
[Construction, Electrical
[Permit for 1400 Washington
[Street, Apartments 9, 11,
[12, 14, 16, and 17.
[PERMIT NO. 57761.
[FOR HEARING TODAY. (5/21)

CTION: UPON MOTION OF COMMISSIONER MELBOSTAD, THE BOARD OTED 5-0 TO UPHOLD THE DEPARTMENT AND GRANT THE PERMIT UBJECT TO CONDITIONS. SPEAKERS: (A) STEVEN COLLIER, ESQ. D) LAWRENCE KORNFIELD.

MINUTES

APPEAL NO. 89-072

EARL B. EWING, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Denial on April 7, 1989, of permit to Alter a Building at 2253 California Street. APPLICATION NO. 8902992. FOR HEARING TODAY. (5/21)

ACTION: UPON MOTION OF COMMISSIONER PRIOR, THE BOARD VOTED 5-0 TO UPHOLD THE DEPARTMENT AND DENY THE PERMIT. SPEAKERS: (A) EARL B. EWING (D) LAWRENCE KORNFIELD, ROBERT W. PASSMORE, ZONING ADMINISTRATOR.

APPEAL NO. 89-061

GARRY F. BRAID, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on March 27, 1989, to Ivan and Sue Vican, permit to Alter a Building at 4376 - 26th Street. APPLICATION NO. 8807802. FOR HEARING TODAY. (5/2)

ACTION: UPON MOTION OF OF COMMISSIONER HOUSE, THE BOARD VOTED 2-3 TO UPHOLD THE DEPARTMENT AND GRANT THE PERMIT (PRESIDENT MARKS, COMMISSIONERS MELBOSTAD AND PRIOR DISSENTED). FOUR VOTES NEEDED TO OVERRULE THE DEPARTMENT, THE DEPARTMENT IS UPHELD AND THE PERMIT GRANTED. SPEAKERS: (A) GARY BRAID (P) SUE VICAN.

APPEAL NO. 89-062

JUKA TAKEMURA & SAM CHA CHOI,
vs. Appellants
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on March 17, 1989, to Leonid & Larisa Modorsky, permit to Alter a Building at 2438 Taraval Street. APPLICATION NO. 8815929. FOR HEARING TODAY. (5/3)

ACTION: UPON MOTION OF VICE PRESIDENT MAKRAS, THE BOARD VOTED 4-1 TO UPHOLD THE DEPARTMENT AND GRANT THE PERMIT SUBJECT TO CONDITIONS (COMMISSIONER MELBOSTAD DISSENTED) THE DEPARTMENT IS UPHELD AND THE PERMIT GRANTED. SPEAKERS: (A) JUKA TAKEMURA (P) ZALAMAN BARON (S) RUTH M. CONROY.

APPEAL NO. 89-065

NICKOLAS A. DIAMAN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on March 31, 1989, to Larry Wasserman, permit to Alter a Building at 2960 Van Ness Avenue. APPLICATION NO. 8904220. FOR HEARING TODAY. (5/6)

ACTION: UPON MOTION OF COMMISSIONER MELBOSTAD, THE BOARD VOTED 3-2 TO OVERRULE THE DEPARTMENT AND DENY THE THE PERMIT (VICE PRESIDENT MAKRAS AND COMMISSIONER PRIOR DISSENTED). FOUR VOTES NEEDED TO OVERRULE THE DEPARTMENT, THE DEPARTMENT IS UPHELD AND THE PERMIT GRANTED. SPEAKERS: (A) NICKOLAS DIAMAN, RENEE FAISON, LEWIS STARSKY, SUE HESTOR, ESQ., (P) HOWARD WEXLER, ESQ., JOHN HAYES, ESQ. SHUBERT TEE (D) LAWRENCE KORNFIELD.

APPEAL NO. 89-067

BERNARDO & KATHLEEN URQUIETA,
Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on March 20, 1989, to John Schrader, permit to Alter a Building at 135 Beaver Street. APPLICATION NO. 8902649. FOR HEARING TODAY. (5/15)

THIS APPEAL WITHDRAWN PRIOR TO THE MEETING.

(3) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

NO SPEAKERS.

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, PRESIDENT MARKS ADJOURNED THE MEETING AT 8:35 P.M.

Robert H. Feldman

ROBERT H. FELDMAN, EXECUTIVE DIRECTOR

TRANSCRIPTS OF THESE HEARINGS MAY BE OBTAINED THROUGH THE OFFICIAL COURT REPORTER, DORIS LEVINE, TELEPHONE (415) 456-9899.

BOARD OF PERMIT APPEALS
Room 154-A City Hall
San Francisco, CA 94102

City Librarian
Attn: Jerry Roth
Document Section, Main Library

(A) APPELLANT AND SUPPORTERS
(D) DEPARTMENT REPRESENTATIVES
(P) PERMIT HOLDERS AND SUPPORTERS
(S) DEPARTMENT SUPPORTERS

CONVENED: 5:13 p.m.
ADJOURNED: 9:29 p.m.

MINUTES

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MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, MAY 17, 1989

5:00 P.M., ROOM 282, CITY HALL

PRESENT: PRESIDENT MARKS, VICE PRESIDENT MAKRAS, COMMISSIONERS RALPH HOUSE AND PAUL MELBOSTAD.
ABSENT: COMMISSIONER PRIOR.

MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:

REQUESTS FOR REHEARING:

ITEM A: Letter from Randall M. Shaw dated May 5, 1989, on behalf of the Inverness Hotel Tenants Association requesting rehearing of Appeal No. 89-043. Hearing April 5, 1989. Appellants protested the issuance of permit to alter a building at 1405 Van Ness Avenue. Upon motion of Commissioner Melbostad, the Board voted 4 - 0 to uphold the Department and grant the permit subject to conditions. Commissioner Prior did not vote. Notice of Decision and Order with final language of conditions released on April 26, 1989.

CTION: UPON MOTION OF VICE-PRESIDENT MAKRAS, THE BOARD VOTED 4-0 NOT TO REHEAR THE APPEAL.

ITEM B: Letter from Marc E. Minardi and Bruce Davies, requesting rehearing of Appeals Nos. 89-048, 89-049, 89-050, and 89-051. Hearing April 26, 1989. The appellants had protested the issuance of permits to construct a building at 2, 4, 6, and 8 Southern Heights Avenue. Upon motion of Commissioner Prior, the Board voted 4-1 (President Marks dissented) to grant the permit subject to conditions.

CTION: UPON MOTION OF COMMISSIONER HOUSE, THE BOARD VOTED 3-1 NOT TO GRANT A REHEARING COMMISSIONER MELBOSTAD DISSENTED). THE APPEAL WILL NOT BE REHEARD.

REQUEST FOR JURISDICTION:

ITEM C: Letter from Ronald M. Abend, Esq., on behalf of the Marina at Pier 39 Slip Owners Association requesting that the Board take jurisdiction over the Zoning Administrator's decision to accept the Pier 39 Aquarium Conditional Use Application.

CTION: UPON MOTION OF COMMISSIONER MELBOSTAD, THE BOARD VOTED 4-0 TO GRANT JURISDICTION. HE APPEAL WAS SCHEDULED FOR HEARING AT THE JUNE 7, 1989, MEETING OF THE BOARD.

( ) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.
HERE WERE NO SPEAKERS.

APPEAL NO. 89-074

MARK C. JEWETT, Appellant
( ) vs.
DEPT. PUBLIC WORKS, Respondent

[Appealing for Refund
[of Penalty imposed
[on April 11, 1989,
[for work done at
[124 Del Mar Avenue.
[APPLICATION NO. 8905931.
[FOR HEARING TODAY. (5/23)

CTION: UPON MOTION OF COMMISSIONER HOUSE, THE BOARD OTED 3-1 TO UPHOLD THE DEPARTMENT'S ORDER (COMMISSIONER ELBOSTAD DISSENTED). THE ORDER IS UPHELD AND THE PENALTY USTAINED. SPEAKERS: (A) MARK C. JEWETT (D) LAWRENCE ORNFIELD, CHIEF, BUREAU OF BUILDING INSPECTION.

APPEAL NO. 89-079

JOSEPH KELLY, JR., Appellant
( ) vs.
DEPT. PUBLIC WORKS, Respondent

[Appealing for Refund
[of Penalty Imposed
[on April 27, 1989,
[for work done at
[862 Guerrero Street.
[APPLICATION NO. 8906238.
[FOR HEARING TODAY. (6/6)

CTION: UPON MOTION OF VICE PRESIDENT MAKRAS, THE BOARD OTED 4-0 TO UPHOLD THE DEPARTMENT'S ORDER. THE PENALTY S SUSTAINED. SPEAKERS: (A) JOSEPH KELLY, JR. D) LAWRENCE KORNFIELD.

APPEAL NO. 89-077

GEORGE HELLERICH, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Appeal of Condition
[Imposed on April 18,
[1989, to Mina-Tree Signs,
[Inc., permit to Erect a
[Sign at 3150 California St.
[APPLICATION NO. 8904097.
[FOR HEARING TODAY. (5/28)

ION: UPON MOTION OF VICE PRESIDENT MAKRAS, THE BOARD ED 4-0 TO OVERRULE THE DEPARTMENT AND DELETE THE DITION SUBJECT TO TWO CONDITIONS:(1) IF THE PLANTER BOX IS REMOVED OR REDUCED, THE SIGN T BE BROUGHT INTO COMPLIANCE WITH THE BUILDING CODE (2) THE PERMIT HOLDER SHALL SEEK A OCABLE ENCROACHMENT PERMIT FROM THE DEPARTMENT OF PUBLIC WORKS. SPEAKERS: (A) CANDICE GROOMTS LAWRENCE KORNFIELD.

APPEAL NO. 89-017

GUNTHER GOPP, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Order to Cease Violation
[of the Planning Code,
[dated January 20, 1989,
[for property located at
[473 Ellis Street.
[FOR HEARING TODAY. (3/18)

OR TO MEETING THE HEARING DATE FOR THIS APPEAL WAS CHEDULED FOR THE MEETING OF MAY 31, 1989.

APPEAL NO. 89-073

ANDREAS VON FOERSTER, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination by the
[Zoning Administrator
[on March 28, 1989,
[that the proposal
[does not conform to
[Planning Code Section
[132 (b) & Residential
[Design Guidelines at
[128 Montcalm Street.
[APPLICATION NO. 8902465.
[FOR HEARING TODAY. (5/22)

S MATTER CONTINUED TO JULY 19, 1989, FOR FURTHER RING. SPEAKERS: (D) ROBERT W. PASSMORE, ZONING ADMIN- RATOR (A) ANDREAS VON FOERSTER, JANICE ROUDERBUSH AND NK DEROSA.

APPEAL NO. 89-076

JAWJ GREENWALD, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[March 31, 1989, to
[Howard Cooper & George
[E. Shelton, permit to
[Alter a Building at
[970 Chestnut Street.
[APPLICATION NO. 8814707.
[FOR HEARING TODAY. (5/27)

S MATTER CONTINUED TO MAY 31, 1989, FOR FURTHER HEARING AKERS: (A) JAWJ GREENWALD, GLORIA ROGAN (P) HOWARD PER (P) RICHARD KAPLAN, JANICE STONE, GEORGE SHELTON.

APPEAL NO. 89-081

JOSEPH FARR, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[April 19, 1989, to
[Sam Budousky, permit
[to Erect a Structure
[at 302 Warren Drive.
[APPLICATION NO. 8808286.
[FOR HEARING TODAY. (6/6)

ION: UPON MOTION OF VICE PRESIDENT MAKRAS, THE BOARD ED 4-0 TO UPHOLD THE DEPARTMENT AND GRANT THE PERMIT. AKERS: (A) PAUL COOPER, ESQ., JOSEPH FARR (P) GREGORY DSTEIN, MIKE THOMAS, JOHN HOM (D) LAWRENCE KORNFIELD.

APPEAL NO. V89-078

POLLY O'CONNOR, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Protesting issuance on
[April 13, 1989, to
[Lucia Bogatay, Minimum
[Lot Size, Rear Yard,
[Exposure of a Dwelling
[Unit, Usable Open Space
[& Ground Story Frontage
[Variances sought for
[property located at
[25-29 Pleasant Street/
[1224 Sacramento Street.
[VARIANCE CASE NO. 88.431EV.
[FOR HEARING TODAY. (5/31)

CTION: UPON MOTION OF VICE PRESIDENT MAKRAS, THE BOARD OTED 3-1 TO UPHOLD THE VARIANCE. (COMMISSIONER MELBO-TAD DISSENTED.) FOUR VOTES NEEDED TO OVERRULE THE EPARTMENT, THE DEPARTMENT IS UPHELD AND THE VARIANCE RANTED. SPEAKERS: (A) WILLIAM STERLING, ESQ., (D) OBERT W. PASSMORE (P) LUCIA BOGATAY, JOHN ABBOT.

(1) **Public Comment:** Presentation shall be limited to three minutes for each speaker.
NO SPEAKERS.

SPECIAL MEETING

APPEAL NO. 89-068

CHARLES & DIANE FRANKEL, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

SEE ATTACHED REPORT OF SITE INSPECTION.

[Protesting issuance on
[March 20, 1989, to
[Randy George, permit
[to Alter a Building
[at 361 Lombard Street.
[APPLICATION NO. 8808752.
[SITE INSPECTION WEDNESDAY,
[MAY 22, 1989, AT 8:30 A.M.
[(Continued for further hearing
[to May 31, 1989.)

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, PRESIDENT MARKS ADJOURNED THE HEARING AT 9:29 P.M.

ROBERT H. FELDMAN, EXECUTIVE DIRECTOR

TRANSCRIPTS OF THESE HEARINGS MAY BE OBTAINED THROUGH THE OFFICIAL COURT REPORTER, DORIS LEVINE, TELEPHONE (415) 456-9899.

MINUTES

SPECIAL MEETING OF THE BOARD OF PERMIT APPEALS

May 22, 1989
Convened: 8:30 a.m.
Adjourned: 9:25 a.m.

Present: President Marks, Vice President Makras, Commissioners House and Prior.
Absent: Commissioner Melbostad.

This special meeting was a site inspection for Appeal No. 89-068. The inspection was scheduled at the Board's public hearing on April 29, 1989. In addition to the Board members also present were Randy George, the permit holder, Charles and Diane Frankel, the appellants, and their attorney, Jack Wholey. In addition were representatives from the Telegraph Hill Dwellers, Jeanne Milligan, Maude Halern and Mrs. Bob Morrow. Several other neighbors were also present.

The Board members met with the parties in the unfinished lower floor of the subject property where Mr. George explained the model of the project and exhibited photographs and plans. The Board members and others asked questions of the permit holder who explained the project.

At 9 a.m. the parties went to see the rear of the property in the back yard and discussed the possible effects of the project on the open space and the adjacent buildings.

The Board then visited the Frankel's building behind the site, a vacant building they are presently offering for sale. Mr. Frankel explained the possible effects of the project on their property and answered questions from the Board members and other parties.

The permit holder showed a copy of his 1970 easement regarding the property line window in the Frankel's building.

The Board members adjourned the meeting at 9:25 a.m. and left the premises.

Respectively submitted,

Robert H. Feldman
Executive Director

cc: File, Minutes.

(A) APPELLANT AND SUPPORTERS
(D) DEPARTMENT REPRESENTATIVES
(P) PERMIT HOLDERS AND SUPPORTERS
(S) DEPARTMENT SUPPORTERS

MINUTES

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MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, MAY 31, 1989

5:00 P.M., ROOM 282, CITY HALL

PRESENT WERE: PRESIDENT MARKS, VICE PRESIDENT MAKRAS, COMMISSIONERS RALPH HOUSE, PAUL MELBOSTAD AND BEVERLY PRIOR.

MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:

REQUESTS FOR REHEARING:

ITEM A: Letter from Sue Hestor, Esq., on behalf of appellant Nikolas Diaman requesting rehearing of Appeal No. 89-065. Hearing May 10, 1989. The appellant had protested the issuance of a permit to alter a building at 2960 Van Ness Avenue. Upon motion of Commissioner Melbostad, the Board voted 3-2 to overrule the department. Four votes needed to overrule, the department is upheld and the permit granted. Commissioner Prior and Vice President Makras dissented. *ACTION: UPON MOTION OF COMMISSIONER MELBOSTAD, THE BOARD VOTED 4-1 (VICE PRESIDENT MAKRAS DISSENTED) TO REHEAR THIS MATTER. REHEARING SCHEDULED FOR MEETING OF JUNE 7, 1989. SPEAKERS: LAWRENCE KORNFIELD, CHIEF, /BUREAU OF BUILDING INSPECTION.*

REQUEST FOR RECONSIDERATION:

ITEM B: Letter from John Sanger, Esq., representing the Pier 39 Limited Partnership requesting the Board to reconsider its decision of May 17, 1989, taking jurisdiction over the Zoning Administrator's determination to accept a Conditional Use Application for a new aquarium at Pier 39. *ACTION: UPON MOTION OF VICE PRESIDENT MAKRAS, THE BOARD VOTED 3-2 TO RESCIND ITS DECISION OF MAY 17, 1989. PRESIDENT MARKS AND COMMISSIONER MELBOSTAD DISSENTED. SPEAKERS: SUE HESTOR, ESQ., JOHN SANGER, ESQ. ROBERT W. PASSMORE, ZONING ADMINISTRATOR.*

REQUEST FOR REHEARING BEYOND THE 10-DAY REQUEST PERIOD:

ITEM C: Letter from Maryann Dillon, Executive Director, Mission Housing Development Corporation, requesting the Board to rehear Appeals Nos. 89-021 and 89-022. Hearing March 8, 1989. The appellant had protested the imposition of penalties for work done at 1227 Hampshire Street. Upon motion of Vice President Makras, the Board voted 3-2 to uphold the department and sustain the penalty. Commissioners Marks & Melbostad dissented. *ACTION: UPON MOTION OF VICE PRESIDENT MAKRAS, THE BOARD VOTED 5-0 TO REHEAR THIS MATTER. HEARING SCHEDULED FOR JUNE 21, 1989. SPEAKERS: (A) MARYANN DILLON AND PETER NEUENDORFF.*

Public Comment: Presentation shall be limited to three (3) minutes for each speaker. *NO SPEAKERS.*

APPEAL NO. 89-068

CHARLES & DIANE FRANKEL, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[March 20, 1989, to
[Randy George, permit
[to Alter a Building
[at 361 Lombard Street.
[APPLICATION NO. 8808752.
[FOR FURTHER HEARING TODAY. (5/15)

ACTION: UPON MOTION OF COMMISSIONER HOUSE, THE BOARD VOTED 2-3 TO UPHOLD THE DEPT. AND GRANT THE PERMIT. FOUR VOTES NEEDED TO OVERRULE, THE DEPT. IS UPHELD AND THE PERMIT GRANTED. SPEAKERS: (D) ROBERT W. PASSMORE, ZONING ADMINISTRATOR.

APPEAL NO. 89-076

JAWJ GREENWALD, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[March 31, 1989, to
[Howard Cooper & George
[E. Shelton, permit to
[Alter a Building at
[970 Chestnut Street.
[APPLICATION NO. 8814707.
[FOR FURTHER HEARING TODAY. (5/27)

ACTION: UPON MOTION OF COMMISSIONER HOUSE, THE BOARD VOTED 5-0 TO UPHOLD THE DEPARTMENT AND GRANT THE PERMIT SUBJECT TO CONDITIONS. SPEAKERS: (P) JANICE STONE, GLEN JARVIS, ARCHITECT. (A) JAWJ GREENWALD, GLORIA ROGAN , GARY HROMADKO, ALBERT DIEMER.

APPEAL NO. 89-088

BRUCE BAXTER, Appellant
vs.
POLICE DEPARTMENT, Respondent

[Suspension on April 20,
[1989, of Driver Public
[Vehicle permit.
[FOR HEARING TODAY. (6/13)

ON: UPON MOTION OF COMMISSIONER HOUSE, THE BOARD VOTED TO UPHOLD THE DEPARTMENT. SPEAKERS: (D) JERRY AKINS, ESQ., OFFICER MAKAVECKAS, STEPHANIE (A) BRUCE BAXTER, KATE DIXON, ESQ.

APPEAL NO. 89-084

LESLIE V. SWALL, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Appealing for Refund
[of Penalty Imposed
[on May 1, 1989,
[for work done at
[826A Castro Street.
[APPLICATION NO. 8906896.
[FOR HEARING TODAY. (6/10)

ON: UPON MOTION OF COMMISSIONER PRIOR, THE BOARD VOTED TO OVERRULE THE DEPARTMENT AND REDUCE THE PENALTY TO TIMES THE REGULAR FEE. SPEAKERS: (A) LESLIE SWALL LAWRENCE KORNFIELD, CHIEF, BUREAU OF BUILDING INSPECTION.

APPEAL NO. 89-085

CARLETON J. CHAPPELLE, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Appealing for Refund
[of Penalty Imposed
[on May 3, 1989,
[for work done at
[472 Utah Street.
[APPLICATION NO. 8906216.
[FOR HEARING TODAY. (6/12)

ON: UPON MOTION OF VICE PRESIDENT MAKRAS, THE BOARD D 5-0 TO OVERRULE THE DEPARTMENT AND REDUCE THE PENALTY WO TIMES THE REGULAR FEE. SPEAKERS: (A) CARLETON PELLE (D) LAWRENCE KORNFIELD.

APPEAL NO. 89-091

JOSEPH P. FICURELLI, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Appealing for Refund
[of Penalty Imposed
[for work done at
[530-532 Presidio Ave.
[APPLICATION NO. 8819815.
[FOR HEARING TODAY. (6/27)

ON: UPON MOTION OF VICE PRESIDENT MAKRAS, THE BOARD D 2-3 TO UPHOLD THE DEPARTMENT. COMMISSIONERS HOUSE, OSTAD AND PRIOR DISSENTED. FOUR VOTES NEEDED TO OVER- THE DEPARTMENT, THE DEPARTMENT IS UPHELD. SPEAKERS: (A) JOSEPH P. FICURELLI (D) LAWRENCE FIELD.

APPEAL NO. 89-092

KAREN LUM, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Appealing for Refund
[of Penalty Imposed
[for work done at
[4367 - 17th Street.
[APPLICATION NO. 8813115.
[FOR HEARING TODAY. (6/27)

INUED TO CALL OF THE CHAIR.

APPEAL NO. 89-017

GUNTHER GOPP, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Order to Cease Violation
[of the Planning Code,
[dated January 20, 1989,
[for property located at
[473 Ellis Street.
[FOR HEARING TODAY. (3/18)

R TO MEETING THIS APPEAL CONTINUED FOR HEARING TO MEETING OF THE BOARD OF PERMIT APPEALS SCHEDULED FOR 19, 1989.

APPEAL NO. 89-086

ARTCO CONSTRUCTION, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Denial on May 3, 1989,
[of permit to Alter a
[Building at 71 Rico Way.
[APPLICATION NO. 8818072.
[FOR HEARING TODAY. (6/12)

ION: UPON MOTION OF VICE PRESIDENT MAKRAS, THE BOARD
D 5-0 TO OVERRULE THE DEPARTMENT AND GRANT THE PERMIT
ECT TO CONDITIONS. SPEAKERS: (A) ARTIN HAMAMCIYAN (D) ROBERT W. PASSMORE, ZONING ADMINISTRATOR.

APPEAL NO. 89-080

ERNESTO J. PULETTI, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[November 1, 1988, to
[Steven Byers, permit to
[Erect a Structure at
[at 352 San Marcos Ave.
[APPLICATION NO. 8718038.
[FOR HEARING TODAY. (6/7)

S APPEAL WAS CONTINUED FOR FURTHER HEARING TO THE
RD OF PERMIT APPEALS MEETING OF JUNE 21, 1989. SPEAKERS:
ERNESTO PULETTI, JOSEPH BERTAIN, ROBERT DARAUGH,
LD SILVEY, GEORGE RESCALVO (P) STEVEN BYERS.

APPEAL NO. 89-087

WALTER PALMER, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on
[April 19, 1989, to
[Elsie Collins, permit
[to Alter a Building
[at 1930 Eddy Street.
[APPLICATION NO. 8905240.
[FOR HEARING TODAY. (6/13)

EAL WITHDRAWN BY APPELLANT PRIOR TO MEETING.

APPEAL NO. 89-094

CAROL L. SMITH, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[May 1, 1989, to Mr. &
[Mrs. Alan Zimmerman,
[permit to Alter a
[Building at 39 Avila.
[APPLICATION NO. 8901285.
[FOR HEARING TODAY. (6/28)

EAL WITHDRAWN BY APPELLANT PRIOR TO MEETING.

1) Public Comment: Presentation shall be limited to three (3) minutes for each speaker.
SPEAKERS.

RE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, PRESIDENT MARKS ADJOURNED THE MEETING
3:50 p.m.

Robert H. Feldman

ROBERT H. FELDMAN, EXECUTIVE DIRECTOR

SCRIPTS OF THESE HEARINGS MAY BE OBTAINED FROM DORIS LEVINE, OFFICIAL COURT REPORTER
EPHONE (415) 456-9899.

SF
P30
#3
6/7/89

MINUTES

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MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, JUNE 7, 1989

5:00 P.M., ROOM 282, CITY HALL

Present: President Esther Marks, Vice President Victor Makras, Commissioners Ralph House, Paul Melbostad and Beverly Prior.

Speakers: (A) Appellant and supporter(s)
(D) Department representative(s)
(P) Permit Holder and supporter(s)
(S) Department supporter(s)

MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:

REQUEST FOR REHEARING:

ITEM A: Letter from David A. Sauers, Esq., on behalf of Mark C. Jewett, requesting rehearing of Appeal No. 89-074. Hearing May 17, 1989. Appellant protested the imposition of penalty for work done at 124 Del Mar Avenue. Upon motion of Commissioner House, the Board voted to uphold the department's order and sustain the penalty.

Action: Upon motion of Commissioner House to grant a rehearing the Board voted 1 - 4. Request for rehearing denied.

Public Comment: Presentation shall be limited to three (3) minutes for each speaker.

No speakers.

APPEAL NO. 89-065

NICKOLAS A. DIAMAN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[March 31, 1989, to
[Larry Wasserman, permit
[to Alter a Building at
[2960 Van Ness Avenue.
[APPLICATION NO. 8904220.
[FOR REHEARING TODAY. (5/6)

Action: Upon motion of President Marks to uphold the permit with conditions, the Board voted 3 - 2 (Vice President Makras and Commissioner Prior dissented) and the department and permit was upheld with no conditions.

Speakers: (A) Sue C. Hestor, Esq., Shubert Yee, (P) Howard Wexler, Esq., John Hayes, Esq., and Larry Wasserman,(D)L.Kornfield.

APPEAL NO. 89-093

MARK T. O'LONE, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Appealing for Refund
[of Penalty Imposed
[for work done at
[1545 Broadway Street.
[APPLICATION NO. 8906751.
[FOR HEARING TODAY. (6/28)

Action: Upon motion of President Marks to overrule department and reduce penalty to $2,000.00 plus the regular fee the Board voted 4 - 1 (Vice President Makras dissented).

Speakers: (P) Mark T. O'Lone, (D) Laurence Kornfield, Chief Inspector, Bureau of Building Inspection.

APPEAL NO. 89-097

TIMOTHY E. PELLISSIER, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Appealing for Refund
[of Penalty Imposed
[on May 9, 1989,
[for work done at
[4339 - 18th Street.
[APPLICATION NO. 8907971.
[FOR HEARING TODAY. (6/24)

Action: Upon motion of Commissioner House to overrule and reduce the penalty to $500.00 plus the regular fee the Board voted 5 - 0.

Speakers: (A) Timothy E. Pellissier, (D) Laurence Kornfield.

Items 6A through 6F shall be heard together.

APPEAL NO. 88-156

HONG KONG METRO REALTY CO., INC.
vs. Appellant
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Revocation on May 4,
[1988, of permit to
[Alter a Building at
[2987 - 38th Avenue.
[APPLICATION NO. 8803251.
[FOR HEARING TODAY. (7/25)

APPEAL NO. 88-157

HONG KONG METRO REALTY CO., INC.
vs. Appellant
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Revocation on May 4,
[1988, of permit to
[Alter a Building at
[3702 Ulloa Street.
[APPLICATION NO. 8803253.
[FOR HEARING TODAY. (7/25)

APPEAL NO. 88-158

HONG KONG METRO REALTY CO., INC.
vs. Appellant
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Revocation on May 4,
[1988, of permit to
[Alter a Building at
[3712 Ulloa Street.
[APPLICATION NO. 8803252.
[FOR HEARING TODAY. (7/25)

APPEAL NO. 88-159

HONG KONG METRO REALTY CO., INC.
vs. Appellant
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Revocation on May 4,
[1988, of permit to
[Alter a Building at
[3722 Ulloa Street.
[APPLICATION NO. 8607795.
[FOR HEARING TODAY. (7/25)

APPEAL NO. 88-160

HONG KONG METRO REALTY CO., INC.
vs. Appellant
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Revocation on May 4,
[1988, of permit to
[Alter a Building at
[3734 Ulloa Street.
[APPLICATION NO. 8607793.
[FOR HEARING TODAY. (7/25)

Items 6A through 6F shall be heard together.

APPEAL NO. V89-005

HARRY O'BRIEN, Appellant
(F) vs.
ZONING ADMINISTRATOR, Respondent

[Denial on January 6,
[1989, of Front Setback,
[Rear Yard, Usable Open
[Space, Off - Street
[Parking & Garage/Curb
[Cut Width Variances
[sought at 3702, 3712,
[3722 & 3734 Ulloa St.
[VARIANCE CASE NO. 88.346V
[FOR HEARING TODAY. (2/16)

Action: Upon motion of Vice President Makras to overrule the department and the Zoning Administrator and to reinstate the five permits and grant the variances with conditions the Board voted 5 - 0. Findings to be adopted at next meeting.

Speakers: (A) Harry O'Brien, Esq., Dr. Jun Lee, John Ha, Architect, (D) Robert Passmore, Zoning Administrator, (S) Margaret Siegel and Mary Ann Miller of SPEAK and William A. Taylor, Thomas J. Lowe, Dorothy McDougald of Parkside Improvement Club.

APPEAL NO. V89-082

TOM JAMES, Appellant
() vs.
ZONING ADMINISTRATOR, Respondent

[Denial on April 17, 1989,
[of Off - Street Parking,
[Unscreened Parking, and
[Front Setback Variances
[sought for property at
[1450 Masonic Avenue.
[VARIANCE CASE NO. 88.726V.
[FOR HEARING TODAY. (6/6)

Action: Upon motion of Vice President Makras to uphold the Zoning Administrator the Board voted 5 - 0.

Speakers: (D) Rosemary Bosque, planner, Robert Passmore, Zoning Administrator, (A) Tom James.

APPEAL NO. 89-100

ROBERT BAKMAZ, Appellant
8) vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on May 2, 1989,
[of permit to Alter
[a Building at 2318
[Leavenworth Street.
[APPLICATION NO. 8818527.
[FOR HEARING TODAY. (6/25)

Action: Upon motion of Commissioner Melbostad to uphold the department the Board voted 3 - 2 (Vice President Makras and Commissioner House dissented). Four votes being necessary to overrule, the department is upheld.

Speakers: (A) Robert Bakmaz, Rachel Jordan, architect, Gunther Bahrs, Shirley Juster, Edward Stephenson, Richard Juster, (D) Neil Hart, planner, Robert Passmore, Zoning Administrator.

APPEAL NO. 89-083

STEVE OLIN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[April 13, 1989, to
[Mr. and Mrs. Jerold
[Panas, permit to
[Erect a Structure at
[1067 Green Street.
[APPLICATION NO. 8802379.
[FOR HEARING TODAY. (6/7)

Action: Upon motion of Vice President Makras to uphold the department the Board voted 4 - 1 (Commissioner Melbostad dissented).

Speakers: (A) Steve Olin, Danny Kilduff, (D) Robert Passmore, Zoning Administrator, (S) Daniel Osborne, architect.

APPEAL NO. V89-098

WILLIAM & JOANNE PRIEUR, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Protesting condition of
[variance granted on May
[5, 1989, for property
[at 1638 - 1640 Haight St.
[VARIANCE CASE NO. 88.341V.
[FOR HEARING TODAY. (6/24)

Action: Upon motion of Commissioner Melbostad to overrule the Zoning Administrator and grant the variance without conditions the Board voted 5 - 0.

Speakers: (D) Robert Passmore, Zoning Administrator, (A) Bill Priseur, Gayle Duckart.

APPEAL NO 89-103

ANTHONY BROWN, Appellant
vs.
DEPT PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting isssuance
[on May 4, 1989, to
[R & D Capital, permit
[to Alter a Building
[at 3741 Buchanan St.
[APPLICATION NO. 8810662.
[FOR HEARING TODAY. (6/27)

Action: After taken testimony from the parties the Board continued the matter to June 28, 1989, for submittal of briefs only. Public hearing was closed.

Speakers: (A) Brett Gladstone, Esq., Anthony Brown, Virginia Fusco, Ernest G. Friez, Danielle Sara, Kathleen Brown, Brad Hines, (P) Jim Reuben, Esq., Judith Boyajian, Deputy City Attorney (D).

Public Comment: Presentation shall be limited to three (3) minutes for each speaker.

No speakers.

There being no further business to come before the Board, President Marks adjourned the meeting at 11:30 p.m.

Robert H. Feldman
Executive Director

Transcripts of these hearings may be obtained from Doris Levine, Official Court Reporter, telephone (415) 456-9899.

(A) APPELLANT AND SUPPORTERS
(D) DEPARTMENT REPRESENTATIVES
(P) PERMIT HOLDERS AND SUPPORTERS.
(S) DEPARTMENT SUPPORTERS

MINUTES

CONVENED: 5:12
ADJOURNED: 11:36

MEETING OF THE BOARD OF PERMIT APPEALS

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WEDNESDAY, JUNE 21, 1989

5:00 P.M., ROOM 282, CITY HALL

PRESENT WERE: PRESIDENT MARKS, VICE PRESIDENT MAKRAS, COMMISSIONERS RALPH HOUSE, PAUL MELBOSTAD AND BEVERLY PRIOR.

MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:

REQUESTS FOR REHEARING:

ITEM A: Letter from Jack Wholey, Esq. on behalf of appellants Charles and Diane Frankel, requesting rehearing of Appeal No. 89-068. Hearings April 26 and May 31, 1989. Appellants protested the issuance of an alteration permit to Randy George for work done at 361 Lombard Street. The permit was upheld with no conditions. Commissioner House moved upholding permit with conditions but the vote was only 2 - 3 on the motion. President Marks, Vice President Makras and Commissioner Prior voted against the motion. *NO MOTION. THE MATTER WILL NOT BE REHEARD.*
SPEAKER: (P) RICHARD HARRIS, ESQ.

ITEM B: Letter from Mark Himelstein, Esq. on behalf of permit holders Howard Cooper and Goerge Shelton, requesting rehearing of Appeal No. 89-076. Hearings on May 17, and May 31, 1989. Appellant Jawj Greenwald protested issuance of an alteration permit to the permit holders for work done at 970 Chestnut Street. On Commissioner House's motion to uphold with conditions the Board voted 5 - 0.

NO MOTION. THE MATTER WILL NOT BE REHEARD.
SPEAKER: (P) MARK HIMELSTEIN, ESQ.

ITEM C: Letter from Kate Dixon, Esq. on behalf of appellant Bruce Baxter, requesting rehearing of Appeal No. 89-038. Hearing May 31, 1989. The appellant was appealing the 5-day suspension of his driver public vehicle permit. On Commissioner House's motion to uphold the department the Board voted 5 - 0.

NO MOTION. THE MATTER WILL NOT BE REHEARD.
SPEAKER: (A) BRUCE BAXTER

( ) Public Comment: Presentation shall be limited to three (3) minutes for each speaker.
EAKERS: JOSEPH O'DONOGHUE, MARGARET VERGES AND EDITH MCMILLAN.

APPEAL NO. 89-080

ERNESTO J. PULETTI, Appellant
( ) vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[November 1, 1988, to
[Steven Byers, permit to
[Erect a Structure at
[at 352 San Marcos Ave.
[APPLICATION NO. 8718038.
[FOR FURTHER HEARING TODAY. (6/7)

TION: CONTINUED TO JULY 19, 1989, FOR FURTHER HEARING.
PEAKERS: (D) LAWRENCE KORNFIELD, CHIEF INSPECTOR, BBI, RRY PEARL, DEPT. CITY PLANNING (P) STEVEN BYERS, KUANG UG CHIW, JOHN HOM, ENGINEERS, (A) ERNESTO PULLETTI, JOSEPH BERTAIN, ESQ., GEORGE SCALVO, ARCHITECT, ROBERT DARRAGH, ENGINEER.

Items 4A and 4B shall be heard together.

APPEAL NO. 89-021

MISSION HOUSING DEVELOPMENT CORP.,
( ) vs. Appellant
DEPT. PUBLIC WORKS,
Respondent

[Imposition of Penalty
[on February 10, 1989,
[for work done at
[1227 Hampshire Street.
[APPLICATION NO. 8814005.
[FOR REHEARING TODAY. (3/22)

TION: UPON MOTION OF VICE PRESIDENT MAKRAS, THE BOARD OTED 5-0 TO OVERRULE THE DEPARTMENT AND REDUCE THE NALTY TO $327.60, PLUS THE REGULAR FEE OF $327.60, FOR A TOTAL OF $655.20 DUE TO THE DEPT.
PEAKERS: (A) MARY ANN DILLON, EXECUTIVE DIRECTOR MISSION HOUSING DEVELOPMENT CORP. AND TER NEUENDORFF, PROPERTY MANAGER, MISSION HOUSING DEVELOPMENT CORP.

Items 4A and 4B shall be heard together.

APPEAL NO. 89-022

MISSION HOUSING DEVELOPMENT CORP., Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Imposition of Penalty
[on February 10, 1989,
[for work done at
[1227 Hampshire Street.
[APPLICATION NO. 8815153.
[FOR REHEARING TODAY. (3/22)

ACTION: UPON MOTION OF VICE PRESIDENT MAKRAS, THE BOARD VOTED 5-0 TO OVERRULE THE DEPARTMENT AND REDUCE THE PENALTY TO $568.10, PLUS THE REGULAR FEE OF $568.10, FOR A TOTAL OF $1,136.20 DUE TO THE DEPT. SPEAKERS: (A) MARY ANN DILLON, EXECUTIVE DIRECTOR OF THE MISSION HOUSING DEVELOPMENT CORP. AND PETER NEUENDORFF, PROPERTY MANAGER, MISSION HOUSING DEVELOPMENT CORPORATION.

RECESS 6:25 P.M. TO 6:36 P.M.

APPEAL NO. 89-107

MONTEREY HEIGHTS HOMEOWNERS ASSOC., Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination on May 9,
[1989, by the Zoning
[Administrator, that the
[Gurdjieff Foundation at
[85 Saint Elmo Way is
[in compliance with the
[City Planning Code.
[FOR HEARING TODAY. (7/3)

ACTION: UPON MOTION OF COMMISSIONER HOUSE, THE BOARD VOTED 5-0 TO OVERRULE THE ZONING ADMINISTRATOR'S DETERMINATION THAT THE GURDJIEFF FOUNDATION IS IN COMPLIANCE WITH THE CITY PLANNING CODE. LIST OF SPEAKERS ON THIS MATTER ATTACHED TO PAGE TWO OF THE MINUTES.

SPECIFICALLY THE BOARD OVERRULE THE ZONING ADMINISTRATOR'S LETTER DATED MAY 19, 1989, WHICH WAS MEANT TO CLARIFY AN EARLIER LETTER DESCRIBING THE LIMITS ON USE OF THE SUBJECT PROPERTY.

RECESS FROM 8:56 P.M. TO 9:09 P.M.

APPEAL NO. 89-090

EDWARD MITCHELL, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Appealing for Refund
[of Penalty Imposed
[on May 9, 1989,
[for work done at
[2906-08 Buchanan St.
[APPLICATION NO. 8907080.
[FOR HEARING TODAY. (6/18)

ACTION: UPON MOTION OF VICE PRESIDENT MAKRAS, THE BOARD VOTED 5-0 TO UPHOLD THE DEPARTMENT AND SUSTAIN THE PENALTY. SPEAKERS: (A) EDWARD MITCHELL (D) LAWRENCE KORNFIELD.

APPEAL NO. 89-099

PETER ZINGG, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Appealing for Refund
[of Penalty Imposed
[on May 16, 1989,
[for work done at
[736 Kirkham Street.
[APPLICATION NO. 8903109.
[FOR HEARING TODAY. (6/25)

ACTION: UPON MOTION OF VICE PRESIDENT MAKRAS, THE BOARD VOTED 5-0 TO OVERRULE THE DEPARTMENT AND REDUCE THE PENALTY TO $48.10, PLUS THE REGULAR FEE OF $48.10, FOR A TOTAL OF $96.20 DUE TO THE DEPARTMENT. SPEAKERS: (A) PETER ZINGG (D) LAWRENCE KORNFIELD.

APPEAL NO. 89-101

EUGENE WONG, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Appealing for Refund
[of Penalty Imposed
[on May 16, 1989,
[for work done at
[726 Spruce Street.
[APPLICATION NO. 8819230.
[FOR HEARING TODAY. (6/26)

ACTION: UPON MOTION OF VICE PRESIDENT MAKRAS, THE BOARD VOTED 5-0 TO UPHOLD THE DEPARTMENT AND SUSTAIN THE PENALTY. SPEAKERS: (A) EUGENE WONG (D) LAWRENCE KORNFIELD.

ITEM NO. 5
APPEAL NO. 89-107
HEARING JUNE 21, 1989
LIST OF SPEAKERS HEARD DURING MEETING.

CITY PLANNING DEPARTMENT....BARRY PEARL, CITY PLANNER
REPRESENTING APPELLANT, JIM RUBEN, ESQ.
REPRESENTING PERMIT HOLDER, PAM DUFFY, ESQ.
REPRESENTING THE CITY ATTORNEY'S OFFICE, JUDITH BOYAJIAN, ESQ.

THOSE SPEAKING IN SUPPORT OF THE APPELLANTS:

DR. JOHN BIELAN
DR. AL CLARK
BRENT FAULKNER
DR. MICHAEL AMINOFF
BARBARA BIELAN
MAX LEVI
CAROL CHIANTELLI
TERESA LUERAS
BARBARA GULLION
MYRA BAILLIE
SARA BERNARD
REBA ROZITTI
LEW BATMALE
MARGARET VERGES
MICHAEL SLADE
ANTHONY DAMATO
ROMONA SUNG
HELEN FAYE
JAMES G. BROWN

THOSE SUPPORTING THE FOUNDATION:

WAYNE WHEELER
LEONA BUTLER
FREDRICA PARLETT
JACOB NEEDLEMAN
COLLEEN DOHERTY
DR. KEITH COHEN
RUTH COOK
SHELLY SCHONEBERG
TERRY LINDAHL
CAROL MURPHY
ROGER HERRERA
BRUCE BIXLER
CARLA NEEDLEMAN
BILL SUTTON
MERCEDES HINKSON
BARABRA WRIGHT
ALLAN JONES NATALIE COMRADI
OLIVIA BYRNE

APPEAL NO. 89-102

NORMAN SHEARER, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Appealing for Refund
[of Penalty Imposed
[on May 16, 1989,
[for work done at
[726 - 4th Avenue.
[APPLICATION NO. 8905966.
[FOR HEARING TODAY. (6/26)

ACTION: UPON MOTION OF COMMISSIONER PRIOR, THE BOARD VOTED 5-0 TO OVERRULE THE DEPARTMENT AND REDUCE THE PENALTY TO $412.10, PLUS THE REGULAR FEE OF $412.10, FOR A TOTAL OF $824.20 DUE TO THE DEPT. SPEAKERS: (A) NORMAN SHEARER (D) LAWRENCE KORNFIELD.

APPEAL NO. 89-109

ANGELO WILSON, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Imposition of Penalty
[on May 26, 1989,
[for work done at
[334 Duncan Street.
[APPLICATION NO. 8907054.
[FOR HEARING TODAY. (7/5)

ACTION: UPON MOTION OF COMMISSIONER HOUSE, THE BOARD VOTED 4-1 TO OVERRULE THE DEPARTMENT. (VICE PRESIDENT MAKRAS DISSENTED.) THE DEPARTMENT IS OVERRULED AND THE PENALTY REDUCED TO $81.90, PLUS THE REGULAR FEE OF $81.90, FOR A TOTAL OF $163.80 DUE TO THE DEPARTMENT. SPEAKERS: (A) ANGELO WILSON (D) LAWRENCE KORNFIELD.

APPEAL NO. 89-110

HANS REIMAN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Imposition of Penalty
[on May 25, 1989,
[for work done at
[634 Shotwell Street.
[APPLICATION NO. 8909117.
[FOR HEARING TODAY. (7/5)

ACTION: UPON MOTION OF VICE PRESIDENT MAKRAS, THE BOARD VOTED 5-0 TO UPHOLD THE DEPARTMENT AND SUSTAIN THE PENALTY. APPELLANT DID NOT APPEAR AT HEARING.

APPEAL NO. 89-112

PETER KERESZTURY, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Imposition of Penalty
[on May 26, 1989,
[for work done at
[53 Page Street.
[APPLICATION NO. 8907871.
[FOR HEARING TODAY. (7/9)

ACTION: UPON MOTION OF VICE PRESIDENT MAKRAS, THE BOARD VOTED 5-0 TO UPHOLD THE DEPARTMENT AND SUSTAIN THE PENALTY. SPEAKERS: (A) PETER KERESZTURY (D) LAWRENCE KORNFIELD.

APPEAL NO. 87-302

YOUNG ANN KIM & IN KYUNG KIM, Appellants
vs.
HEALTH DEPARTMENT, Respondent
CITY PLANNING DISAPPROVAL

[Denial on October 9,
[1987, of permit to
[Operate a Restaurant
[at 92 Judah Street.
[(Joky's Place).
[FOR HEARING TODAY. (11/28)

ACTION: UPON MOTION OF VICE PRESIDENT MAKRAS, THE BOARD VOTED 5-0 TO UPHOLD THE DEPARTMENT AND DENY THE PERMIT SUBJECT TO THE FOLLOWING CONDITIONS: (1) THE ZONING ADMINISTRATOR IS UPHELD AND THE ENFORCEMENT OF HIS ORDER IS STAYED WHILE THE APPELLANTS OPERATE A RESTURANT ON THE PREMISES. AT THE CONCLUSION OF THEIR OPERATION AND TENANCY THE PROPERTY SHALL BE USED IN COMPLIANCE WITH THE NONCONFORMING USE PROVISIONS OF THE PLANNING CODE. (2) THE APPELLANT SHALL HAVE THE OWNER OF THE PROPERTY RECORD ON THE LAND RECORDS OF THE CITY AND COUNTY OF SAN FRANCISCO A NOTICE OF SPECIAL RESTRICTIONS RECORDING THESE CONDITIONS AND SHALL SUBMIT TO THE DEPARTMENT OF CITY PLANNING AND TO THE BOARD OF PERMIT APPEALS COPIES OF THE NOTICE AFTER RECORDING ARE TO BE MADE A PART OF THE PERMANENT FILES OF THIS CASE. SPEAKERS: (D) BARRY PEARL (A) ALLAN SAMSON, ESQ.

APPEAL NO. 89-104

MARYANNA G. SHAW, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Suspension on May 3, 1989,
[of construction of fence
[at 2550 Divisadero Street.
[APPLICATION NO. 8707787.
[FOR HEARING TODAY. (6/25)

ACTION: UPON MOTION OF COMMISSIONER PRIOR, THE BOARD VOTED 5-0 TO OVERRULE THE DEPARTMENT AND REINSTATE THE PERMIT. SPEAKERS: (D) BARRY PEARL (A) JOHN SANGER, ESQ. (P) DR. EDWIN SHONFELD (D) DON PLANT (D) LAWRENCE KORNFIELD

APPEAL NO. 89-113

JOAN M. CROWLEY, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Revocation on May 15,
[1989, of permit to
[Alter a Building at
[1164-66 Filbert Street.
[APPLICATION NO. 8717236.
[FOR HEARING TODAY. (7/9)

ACTION: UPON MOTION OF VICE PRESIDENT MAKRAS, THE BOARD VOTED 5-0 TO UPHOLD THE DEPARTMENT AND REVOKE THE PERMIT. SPEAKERS: (D) JOANNE WILSON, CITY PLANNING, RICHARD AND ROSEMARY KOFLER, ART ZIEF, PHILLIP LAYER, DAVID HARTLEY, JOSEPH BUTLER. (A) JOAN CROWLEY.

APPEAL NO. 89-111

BLANCA MARTINEZ, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Denial on May 24, 1989,
[by Bureau of Building
[Inspection, of permit
[to Legalize windows on
[(3) three-unit house at
[1330 Valencia Street.
[APPLICATION NO. 8905280.
[FOR HEARING TODAY. (7/5)

ACTION: UPON MOTION OF COMMISSIONER PRIOR, THE BOARD VOTED 5-0 TO UPHOLD THE DEPARTMENT AND DENY THE PERMIT. SPEAKERS: (D) LAWRENCE KORNFIELD (A) EMILIO MOPAN.

APPEAL NO. 89-108

STEVEN & CATHY WEINDEL & E. ROBERT SCROFANI, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[May 9, 1989, to
[George Vasil, permit
[to Erect a Structure
[at 320 Collingwood St.
[APPLICATION NO. 8713739.
[FOR HEARING TODAY. (7/3)

THIS MATTER CONTINUED TO JULY 12, 1989, FOR HEARING.

8) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.
NO SPEAKERS CAME FORWARD.

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, PRESIDENT MARKS ADJOURNED THE HEARING AT 11:31 P.M.

Robert H. Feldman

ROBERT H. FELDMAN, EXECUTIVE DIRECTOR

TRANSCRIPTS OF THESE HEARINGS MAY BE OBTAINED FROM DORIS LEVINE, OFFICIAL COURT REPORTER TELEPHONE (415) 456-9899.

A) APPELLANT AND SUPPORTERS
D) DEPARTMENT REPRESENTATIVES
P) PERMIT HOLDERS AND SUPPORTERS
S) DEPARTMENT SUPPORTERS

CONVENED: 5:09 P.M.
ADJOURNED: 8:44 P.M.

MINUTES

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MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, JUNE 28, 1989

5:00 P.M., ROOM 282, CITY HALL

PRESENT: PRESIDENT MARKS, VICE PRESIDENT MAKRAS, COMMISSIONERS RALPH HOUSE, PAUL E. BOSTAD AND BEVERLY PRIOR.

1 **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUEST FOR REHEARING:

ITEM A: Letter from Robert Bakmaz requesting rehearing of Appeal No. 89-100. Hearing June 7, 1989. The appellant, Robert Bakmaz, had protested the denial of permit to alter a building at 2318 Leavenworth Street. Upon motion of Commissioner Melbostad, the Board voted 3 - 2 to uphold the Department and deny the permit. (Vice President Makras and Commissioner House dissented.) Four votes being necessary to overrule the department, the order is upheld and the permit denied.

PON MOTION OF COMMISSIONER HOUSE, THE BOARD VOTED 5-0 NOT TO REHEAR THIS APPEAL.

( ) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.
SPEAKERS: ROBERT W. PASSMORE, ZONING ADMINISTRATOR.

APPEAL NO 89-103

) ANTHONY BROWN, Appellant
vs.
DEPT PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting isssuance
[on May 4, 1989, to
[R & D Capital, permit
[to Alter a Building
[at 3741 Buchanan St.
[APPLICATION NO. 8810662.
[FOR FURTHER HEARING TODAY. **(6/27)**

'ION: UPON MOTION OF VICE PRESIDENT MAKRAS, THE BOARD 'ED 3-2 TO UPHOLD THE DEPARTMENT AND GRANT THE PERMIT 'ESIDENT MARKS AND COMMISSIONER MELBOSTAD DISSENTED.) FOUR 'ES NEEDED TO OVERRULE, THE DEPARTMENT IS UPHELD AND THE PERMIT GRANTED. SPEAKERS: (P) JAMES A. 'BEN, ESQ. (A) BRETT GLADSTONE, ESQ. (D) ROBERT W. PASSMORE, ZONING ADMINISTRATOR, LAWRENCE 'NFIELD, CHIEF, BUREAU OF BUILDING INSPECTION.

APPEAL NO. 89-106

) TELEGRAPH TERRACE HOMEOWNERS ASSOC.,
vs. Appellants
POLICE DEPARTMENT,
Respondent

[Protesting issuance on
[May 8, 1989, of
[Dancehall Keeper permit
[at 1800 Montgomery
[Street, dba "Bentley's
[Restaurant/Bar".
[FOR HEARING TODAY. **(7/2)**

'ION: UPON MOTION OF COMMISSIONER MAKRAS, THE BOARD VOTED 2 TO UPHOLD THE DEPARTMENT AND GRANT THE PERMIT. FOUR VOTES EDED TO OVERRULE, THE DEPARTMENT IS UPHELD AND THE PERMIT ANTED. SPEAKERS: (D) JERRY AKINS, ESQ., OFFICE KENNETH ESPOSTO REPRESENTING THE POLICE DEPT.) FRED ALLARDYCE, PRESIDENT TELEGRAPH TERRACE HOME OWNERS ASSOCIATION. (P) GRAHAM W. GILLIAM. 'RESIDENT MARKS AND COMMISSIONER HOUSE DISSENTED.) SEE BACK OF SHEET FOR ADDITIONAL NAMES OF SPEAKERS.

'RESIDENT MARKS RECESSED THE HEARING FROM 6:39 P.M. UNTIL 6:46 P.M.

APPEAL NO. 89-114

5) THOMAS & BARBARA MCGRATH, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[February 2, 1989, to
[Gary Gin, permit to
[Alter a Building at
[1234 Ulloa Street.
[APPLICATION NO. 8816310.
[FOR HEARING TODAY. **(7/9)**

ACTION: UPON MOTION COMMISSIONER HOUSE, THE BOARD VOTED 5-0 TO UPHOLD THE DEPARTMENT AND GRANT THE PERMIT. SPEAKERS: (A) KEVIN MCDONOUGH, ESQ., TOM MCGRATH, MRS TOM MCGRATH (P) HELENE GIN, GEORGE KNOLL, ESQ., ARNOLD LERNER, AIA.

ADDITIONAL NAMES OF SPEAKERS FOR APPEAL NO. 89-106 (THE FOLLOWING SPOKE FOR THE APPELLANT)

TAMMY ANDERSON
PHILIP COATS,
KIM JONES
SALOMON LEE
DOROTHY MCNAUGHTON
MAURICE EDELSTEN
LEO BORREGORD
LEE TINNMAN

ALSO SPEAKING FOR THE PERMIT HOLDER WAS ROBERT GILLIAM.

MINUTES

Items 6A and 6B shall be heard together.

APPEAL NO. 89-116

(6A) STANLEY DINTCHO, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[May 19, 1989, to
[Mike Feldman, permit
[to Demolish a Building
[at 2240 Union Street.
[APPLICATION NO. 8714225.
[FOR HEARING TODAY. (7/11

THIS APPEAL CONTINUED TO THE MEETING OF JULY 19, 1989, FOR HEARING.

APPEAL NO. 89-118

(6B) GORDON & MARY TOM, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[May 19, 1989, to
[Mike Feldman, permit
[to Erect a Structure
[at 2240 Union Street.
[APPLICATION NO. 8710794.
[FOR HEARING TODAY. (7/1

THIS APPEAL CONTINUED TO THE MEETING OF JULY 19, 1989, FOR HEARING.

APPEAL NO. 89-089

(7) THOMAS MOORE, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Order to Cease Violation
[of the Planning Code
[dated April 25, 1989,
[for property located at
[545 Burnett Avenue.
[FOR HEARING TODAY. (6/1

ACTION: UPON MOTION OF VICE PRESIDENT MAKRAS, THE BOARD VOTED 5-0 TO UPHOLD THE DEPARTMENT'S ORDER TO CEASE VIOLATION OF THE PLANNING CODE.

SPEAKERS: (D) BARRY PEARL, DEPARTMENT OF CITY PLANNING (A) PHIL SIGGINS, ESQ., THOMAS MOORE, OWNER.

APPEAL NO. V89-095

(8) RICHARD GOSSEN, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on May 5, 1989,
[of Cut Curb and Maximum
[Garage Door Width Variance
[sought for property at
[3269 Harrison Street.
[VARIANCE CASE NO. 88.711V.
[FOR HEARING TODAY. (6/2

ACTION: UPON MOTION OF PRESIDENT MARKS, THE BOARD VOTED 4-1 TO UPHOLD THE DEPARTMENT AND DENY THE VARIANCE (VICE PRESIDENT MAKRAS DISSENTED). SPEAKERS: (S) TERRY MILNE (A) RICHARD GOSSEN (D) ROBERT W. PASSMORE.

(9) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.
NO SPEAKERS CAME FORWARD.

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, PRESIDENT MARKS ADJOURNED THE MEETING AT 8:44 P.M.

Robert H. Feldman

ROBERT H. FELDMAN, EXECUTIVE DIRECTOR

TRANSCRIPTS OF THESE HEARINGS MAY BE OBTAINED FROM DORIS LEVINE, OFFICIAL COURT REPORTER. TELEPHONE (415) 456-9899.

BOARD OF PERMIT APPEALS
Room 154-A City Hall
San Francisco, CA 94102

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Document Section, Main Library

A) APPELLANT AND SUPPORTERS
D) DEPARTMENT REPRESENTATIVES
P) PERMIT HOLDERS AND SUPPORTERS
S) DEPARTMENT SUPPORTERS

CONVENED: 5:07 P.M.
ADJOURNED: 8:57 P.M.

MINUTES

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7/12/89

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MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, JULY 12, 1989

5:00 P.M., ROOM 282, CITY HALL

PRESENT: PRESIDENT MARKS, VICE PRESIDENT MAKRAS, COMMISSIONERS RALPH HOUSE, PAUL ALBOSTAD AND BEVERLY PRIOR.

MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:

REQUEST FOR REHEARING:

ITEM A: Letter from Hans Reiman, appellant, requesting rehearing of Appeal No. 89-110. Hearing June 21, 1989. The appellant protested the imposition of a penalty for work done at 634 Shotwell Street. Upon motion of Vice President Makras, the Board voted 5 - 0 to uphold the department and sustain the penalty.

UPON MOTION OF COMMISSIONER HOUSE, THE BOARD VOTED 5-0 TO GRANT THE REHEARING. SCHEDULED FOR MEETING OF AUGUST 2, 1989.

CORRESPONDENCE FOR DISCUSSION:

ITEM B: Letter from Carolyn and Kirsti Aho regarding construction of garage at 4660 - 25th Street. Discussion of this matter continued from hearing of June 28, 1989.

THIS MATTER CONTINUED TO MEETING OF AUGUST 2, 1989. PURPOSE OF THE CONTINUANCE IS TO ALLOW THE BUREAU OF BUILDING INSPECTION TO AMELIORATE THE MATTER CONCERNING THE POSITION OF THE FIRE HYDRANT IN FRONT OF THE HOUSE.

FOR ADOPTION OF FINDINGS ONLY: Public hearing closed.

ITEM C: Appeal No. 89-107. Hearing June 21, 1989. Upon motion of Commissioner House, the Board voted 5 - 0 to overrule the Zoning Administrator's Determination concerning the Gurdjieff Foundation.

UPON MOTION OF COMMISSIONER HOUSE, THE BOARD VOTED 5-0 TO ADOPT THE AMENDED FINDINGS OF FACT.

ITEM D: Appeal Nos. 88-156 through 88-160; and V89-005. Hearing June 7, 1989. Upon motion of Vice President Makras, the Board voted 5 - 0 to overrule the Zoning Administrator and to reinstate the five permits and grant the variances subject to conditions.

THIS MATTER CONTINUED TO THE CALL OF THE CHAIR.

Public Comment: Presentation shall be limited to three (3) minutes for each speaker.

SPEAKER: ROBERT CLARKE.

APPEAL NO. 89-124

KAI-MIN JEN & JACK TSENG, Appellants
vs.
POLICE DEPARTMENT, Respondent

[Denial on June 2, 1989, of permit for a Massage Establishment, dba "Fantasy Massage" at 960 Harrison Street. FOR HEARING TODAY. (7/18)

PRIOR TO THE MEETING, THIS MATTER CONTINUED FOR HEARING TO THE MEETING OF AUGUST 23, 1989.

APPEAL NO. 89-125

BUNGORN MASON, Appellant
vs.
POLICE DEPARTMENT, Respondent

[Denial on May 24, 1989,
[of Masseuse permit at
[455 Ellis Street.
[FOR HEARING TODAY. (7/18)

ATION: UPON MOTION OF VICE PRESIDENT MAKRAS, THE BOARD VTED 5-0 TO UPHOLD THE DEPARTMENT AND DENY THE PERMIT. SEAKERS: (D) JERRY AKINS, ESQ. THE APPELLANT DID NOT APPEAR AT THE HEARING.

APPEAL NO. 89-120

EDWARD BAKER & HARRY BARLOW,
vs. Appellants
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[May 23, 1989, to Kirk
[Leonard Moon, permit
[to Alter a Building at
[1642 - 16th Avenue.
[APPLICATION NO. 8807366.
[FOR HEARING TODAY. (7/16)

ATION: UPON MOTION OF COMMISSIONER MELBOSTAD, THE BOARD TED 3-2 TO OVERRULE THE DEPARTMENT AND DENY THE PERMIT (ICE PRESIDENT MAKRAS AND COMMISSIONER PRIOR DISSENTED). UR VOTES NEEDED TO OVERRULE, THE DEPARTMENT IS UPHELD AND THE PERMIT GRANTED. SPEAKERS: KIRK MOON (A) HARRY BARLOW, MRS. BARLOW, MILTON THICKETT, CHESTER LIM, CAROLYN CHAN, KE MCGOLDRICK EDWARD BAKER, ELLEN COWLEY, JOSEPH MEYER, PAT CHRISTENSEN, JIM KINDREGAN AND RGARET SIGEL, RUTH MURRAY

PRESIDENT MARKS RECESSED THE BOARD FROM 7:35 P.M. TO 7:50 P.M.

APPEAL NO. 89-115

TOM CORBETT, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Appealing for Refund
[of Penalty Imposed
[on June 1, 1989,
[for work done at
[2015 - 17th Street.
[APPLICATION NO. 8905100.
[FOR HEARING TODAY. (7/11)

ATION: UPON MOTION OF COMMISSIONER MELBOSTAD, THE BOARD TED 5-0 TO OVERRULE THE DEPARTMENT AND REDUCE THE NALTY TO $55.90, PLUS THE REGULAR FEE OF $55.90, FOR A TAL OF $111.80 DUE TO THE DEPARTMENT. SPEAKERS: (A) TOM RBETT (D) JOAN MACQUARRIE, BUREAU OF BUILDING INSPECTION.

APPEAL NO. 89-121

JOHN STERN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Imposition of Penalty
[on June 6, 1989,
[for work done at
[48 Pearl Street.
[APPLICATION NO. 8820188.
[FOR HEARING TODAY. (7/16)

TION: UPON MOTION OF VICE PRESIDENT MAKRAS, THE BOARD TED 4-1 TO UPHOLD THE DEPARTMENT'S ORDER (COMMISSIONER IOR DISSENTED). SPEAKERS: (A) JOHN STERN (S) JOAN CQUARRIE.

APPEAL NO. 89-127

KRUEGER BROTHERS BUILDERS, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Appealing for Refund
[of Penalty Imposed
[on June 6, 1989,
[for work done at
[425 - 18th Street.
[APPLICATION NO. 8907515.
[FOR HEARING TODAY. (7/24)

TION: UPON MOTION OF VICE PRESIDENT MAKRAS, THE BOARD TED 5-0 TO UPHOLD THE DEPARTMENTS ORDER. SPEAKERS:) JAMES WAITE (D) JOAN MACQUARRIE.

MINUTES

APPEAL NO. 89-053

CASA DE LA RAZA, INC., Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Denial of Alteration [permit by Bureau of [Building Inspection [on March 14, 1989, [to change occupancy [classification from [R-3 to E-3 to allow [a child care facility [at 90 Bartlett Street. [APPLICATION NO. 8816173. [FOR HEARING TODAY. (5/2)

PEAL WITHDRAWN AT REQUEST OF APPELLANT PRIOR TO THE ETING. APPELLANT AL BORVICE.

FOLLOWING ITEM WAS TAKEN OUT OF ORDER. IT WAS HEARD AT THE BEGINNING OF THE CALENDAR.

APPEAL NO. 89-108

STEVEN & CATHY WEINDEL & E. ROBERT SCROFANI, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on [May 9, 1989, to [George Vasil, permit [to Erect a Structure [at 320 Collingwood St. [APPLICATION NO. 8713739. [FOR HEARING TODAY. (7/3)

TION: UPON MOTION OF COMMISSIONER MELBOSTAD, THE BOARD TED 5-0 TO UPHOLD THE DEPARTMENT AND GRANT THE PERMIT BJECT TO CONDITIONS SET FORTH IN A LETTER OF AGREEMENT AND ATTACHED TO A SET OF PLANS TLED 'EXHIBIT A'. THESE ITEMS ARE IN THE APPEAL FILE. SPEAKERS: (A) SUE HESTOR, ESQ.

APPEAL NO. 89-122

JOE LING JUNG, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on [May 23, 1989, to Peter [& Mary Fung, permit to [Alter a Building at [1449 Leavenworth Street. [APPLICATION NO. 8907747. [FOR HEARING TODAY. (7/17)

NTINUED FOR FURTHER HEARING TO AUGUST 2, 1989.
EAKERS: (A) DAVID JUNG (P) MARY FUNG (D) JUDITH AJIAN, DEPUTY CITY ATTORNEY.

APPEAL NO. 89-123

MARIA HERMAN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on [May 25, 1989, to [Dominic Maionchi, permit [to Alter a Building [at 3320 Fillmore Street. [APPLICATION NO. 8906309. [FOR HEARING TODAY. (7/17)

TION : UPON MOTION OF VICE PRESIDENT MAKRAS, THE BOARD TED 5-0 TO UPHOLD THE DEPARTMENT AND GRANT THE PERMIT.
EAKERS: (D) ROBERT W. PASSMORE (A) DAVID CINCOTTA, ESQ. EN CLAWSON (P) RALPH A. KERSTETTER, ESQ., DOMINIC MAIONCHI.

FOLLOWING APPEAL WAS HEARD OUT OF REGULAR CALENDAR ORDER AT THE REQUEST OF THE APPELLANT.

APPEAL NO. 89-126

ANNE MARGARET TOWER, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on [May 25, 1989, to S. [Ianterno, permit to [Alter a Building at [734 - 14th Street. [APPLICATION NO. 8812790. [FOR HEARING TODAY. (7/19)

ON MOTION OF VICE PRESIDENT MAKRAS, THE BOARD VOTED 0 TO UPHOLD THE DEPARTMENT AND GRANT THE PERMIT.
EAKERS: (A) ANNE MARGARET TOWER (P) S. IANTERNO. STAN DAVID (P) JAMES McINERNY, ESQ.

4) PUBLIC COMMENT: Presentation shall be limited to three (3) minutes for each speaker. NO SPEAKERS CAME FORWARD.

HERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, PRESIDENT MARKS ADJOURNED THE ETING AT 8:57 P.M.

RANSCRIPTS OF THESE HEARINGS MAY BE BTAINED FROM DORIS LEVINE, OFFICIAL URT REPORTER. TELEPHONE (415) 456-9899.

Robert H. Feldman

ROBERT H. FELDMAN, EXECUITVE DIRECTOR

BOARD OF PERMIT APPEALS
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San Francisco, CA 94102

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MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, JULY 19, 1989

5:00 P.M., ROOM 282, CITY HALL

Present: President Esther Marks, Vice President Victor Makras, Commissioners Ralph House, Paul Melbostad, and Beverly Prior.

Speakers: (A) Appellant and supporters
(B) Department representatives
(C) Permit Holder and supporters
(D) Department supporters

MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:

REQUESTS FOR REHEARING:

ITEM A: Letter from Frederick Allardyce requesting rehearing of Appeal No. 89-106. Hearing June 28, 1989. The appellant had protested the issuance of a Dancehall Keeper permit at 1800 Montgomery Street, dba "Bentley's Restaurant/Bar." Upon motion of Vice President Makras, the Board voted 3 - 2 to uphold the Department and grant the permit.

Action: No motion. Rehearing not granted.

ITEM B: Letter from Philip J. Siggins, Esq., on behalf of appellant Thomas Moore, requesting rehearing of Appeal No. 89-089. Hearing June 28, 1989. The appellant had protested the Zoning Administrator's Order to Cease Violation of the Planning Code for property located at 545 Burnett Avenue. Upon motion of Vice President Makras, the Board voted 5 - 0 to uphold the Zoning Administrator's Order.

Action: Upon motion of Vice President Makras to not grant rehearing the Board voted 5-0. Rehearing not granted.

ITEM C: Letter from Bradley D. Heinz requesting rehearing of Appeal No. 89-103. Hearing June 28, 1989. The appellant, Mr. Heinz, protested the issuance on May 4, 1989, to R & D Capital, permit to alter a building at 3741 Buchanan Street. Upon motion of Vice President Makras, the Board voted 3 - 2 to uphold the Department and grant the permit. President Marks and Commissioner Melbostad dissented.

Action: No action. Request withdrawn prior to meeting.

ITEM D: Letter from Robert W. Passmore, Zoning Administrator, requesting rehearing of Appeal No. 87-302. Hearing June 21, 1989. The appellants had appealed the Zoning Adminstrator's denial of permit to operate outdoor seating for a restaurant at 92 Judah Street. (Joky's Place.) Upon motion of Vice President Makras, the Board voted 5 - 0 to uphold the Zoning Administrator's Order and deny the permit subject to conditions.

Action: Upon motion of Commissioner Melbostad to not grant rehearing the Board voted 5-0. Commissioner Melbostad explained the effect of the Board's decision to Mr. Fred Allardyce, the appellant in the appeal. Rehearing not granted.

(2) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

Vice President Makras described his recent experiences with the Department of City Planning.

APPEAL NO. 89-080

ERNESTO J. PULETTI, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[November 1, 1988, to
[Steven Byers, permit to
[Erect a Structure at
[at 352 San Marcos Ave.
[APPLICATION NO. 8718038.
[FOR FURTHER HEARING TODAY. (6/7)

Action: Continued prior to hearing to meeting of August 9, 1989 at the request of all parties.

APPEAL NO. 89-073

ANDREAS VON FOERSTER, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination by the
[Zoning Administrator
[on March 28, 1989,
[that the proposal
[does not conform to
[Planning Code Section
[132 (b) & Residential
[Design Guidelines at
[128 Montcalm Street.
[APPLICATION NO. 8902465.
[FOR FURTHER HEARING TODAY. (5/22)

Action: Continued prior to hearing to the meeting of August 23, 1989 at the request of the Zoning Administrator.

APPEAL NO. 89-128

PAGO PRINTING, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Imposition of Penalty
[on June 14, 1989,
[for work done at
[4231½ - 26th Street.
[APPLICATION NO. 8905573.
[FOR HEARING TODAY. (7/24)

Action: Upon motion of Commissioner Prior the Board voted 4-1 (Commissioner House) to overrule the department and to reduce the penalty to $200.00 plus the regular fee of $19.50.

Speakers: (A) Brian Molony, (D) Laurence Kornfield, Chief Building Inspector.

APPEAL NO. 89-130

JOHNNY UGAY, JR., Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Appealing for Refund
[of Penalty Imposed
[on June 9, 1989,
[for work done at
[1676 Fulton Street.
[APPLICATION NO. 8909982.
[FOR HEARING TODAY. (7/25)

Action: Upon motion of Vice President Makras the Board voted 5-0 to overrule the department and to reduce the penalty to $500.00 plus the regular fee of $50.00.

Speakers: (A) John Ugay, Bonnie Courtney, Mary Andrade, (D) Laurence Kornfield, Chief Building Inspector.

APPEAL NO. 89-133

TODD MAERWITZ, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Imposition of Penalty
[on June 22, 1989, for
[work done at 430-432
[Connecticut Street.
[APPLICATION NO. 8909989.
[FOR HEARING TODAY. (8/1)

Action: Upon motion of Commissioner Prior the Board voted 4-0 (Vice President Makras absent from the room) to overrule the department and to reduce the penalty to $200.00 plus the regular fee of $19.50.

Speakers: (A) Todd Maerwitz, (D) Laurence Kornfield, Chief Buiding Inspector.

APPEAL NO. 89-135

(4) VINCENT CORCUCHIA, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Appealing for Refund
[of Penalty imposed on
[June 27, 1989, for work
[done at 110 Lyon Street.
[APPLICATION NO. 8911216.
[FOR HEARING TODAY. (8/6)

Action: Upon motion of Commissioner Melbostad the Board voted 4-0 (Vice President Makras absent from the room) to uphold the department.

Speakers: (A) Vincent Corcuchia, (D) Laurence Kornfield, Chief Building Inspector.

APPEAL NO. 89-137

() PHILIP WAGNER, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Imposition of Penalty
[on June 27, 1989,
[for work done at
[2817 Pine Street.
[APPLICATION NO. 8909482.
[FOR HEARING TODAY. (8/6)

Action: Upon motion of Commissioner House the Board voted 4-1 (Commissioner Prior) to uphold the department.

Speakers: (A) Philip Wagner, (D) Laurence Kornfield, Chief Building Inspector.

APPEAL NO. 89-129

0) PHILIP BELLBER & CAROLYN BLAIR,
vs. Appellants
DEPT. PUBLIC WORKS, Respondent
ISCOTT DISAPPROVAL

[Denial on May 30, 1989,
[of request for placing
[tables & chairs in front
[of "Spaghetti Western"
[at 576 Haight Street.
[FOR HEARING TODAY. (7/24)

Action: Upon motion of Vice President Makras the Board voted 4-1 (Commissioner House) to overrule the department with conditions.

Speakers: (A) Rosemary MacGuinness, Esq., Carolyn Blair, (D) Denise Brady, DPW, Robert Passmore, Zoning Administrator.

Items 11A and 11B shall be heard together.

APPEAL NO. 89-116

11A) STANLEY DINTCHO, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[May 19, 1989, to
[Mike Feldman, permit
[to Demolish a Building
[at 2240 Union Street.
[APPLICATION NO. 8714225.
[FOR HEARING TODAY. (7/11)

Action: Continued prior to hearing to call of chair at request of parties.

APPEAL NO. 89-118

11B) GORDON & MARY TOM, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[May 19, 1989, to
[Mike Feldman, permit
[to Erect a Structure
[at 2240 Union Street.
[APPLICATION NO. 8710794.
[FOR HEARING TODAY. (7/11)

Action: Continued prior to hearing to call of chair at request of parties.

APPEAL NO. 89-066

B. F. HERMAN III, Appellant
(2) vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[December 21, 1988, to
[Eugene Gillis, permit
[to Alter a Building at
[1246 Sacramento Street.
[APPLICATION NO. 8808885.
[FOR HEARING TODAY. (5/6)

Action: Upon motion of Vice President Makras the Board voted 3-2 (Commissioners House and Prior) to uphold the department.

Speakers: (A) Richard Idell, Esq., Ben Herman, (P) David Cincotta, Esq., Eugene Gillis.

APPEAL NO. 89-117

WILLIAM & ROSA FRITH, Appellant
(3) vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[May 19, 1989, to Jeffrey
[Maso and Beverly Langer,
[permit to Alter a
[Building at 674-29th St.
[APPLICATION NO. 8800906.
[FOR HEARING TODAY. (7/12)

Action: Upon motion of Commissioner Melbostad the Board voted 4-1 (Vice President Makras) to uphold the department on conditions requiring the permit holder to seal the front door or to install interior stair connecting the basement room to the floor above.

Speakers: (A) Rosa Frith, Bill Frith, (P) Jeff Maso, (D) Laurence Kornfield, Chief Building Inspector, Robert Passmore, Zoning Administrator, and John Stalp, Friends of Noe Valley.

APPEAL NO. 89-134

FERN DASTREVIGNE, Appellant
(4) vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[June 9, 1989, to Robert
[Carr & Andrea Lopinto,
[permit to Alter a Building
[at 725 Euclid Avenue.
[APPLICATION NO. 8904742.
[FOR HEARING TODAY. (8/2)

Action: Upon motion of Commissioner Prior the Board voted 5-0 to uphold the department.

Speakers: (A) Fern Dastrevigne, Gail Stewart, Dennis Durrell, (P) Robert Carr.

APPEAL NO. 89-136

THOMAS S. & SUE V. MULLIKIN,
Appellants
(5) vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[June 16, 1989, to Sue
[San Lee Fong, permit to
[Alter a Building at
[333 Christopher Drive.
[APPLICATION NO. 8820519.
[FOR HEARING TODAY. (8/6)

Action: Upon motion of Commissioner Prior the Board voted 5-0 to uphold the department.

Speakers: (A) Thomas Mullikin, (P) Suzanne Fong, Joyce Ching, engineer.

APPEAL NO. V89-096

(1) STEVE E. DROLAPAS, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on May 5, 1989, of
[Rear Yard and Obstructions
[Over Street/Alley Variances
[Sought for property at
[2109 - 41st Avenue.
[VARIANCE CASE NO. 88.640V.
[FOR HEARING TODAY. (6/24)

Action: Continued prior to hearing to the meeting of August 23, 1989 at the request of the appellant.

The following matter was taken out of order after item 11 at the request of the appellant.

APPEAL NO. V89-131

(7) M.F. & L.L. VIRJEE, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on June 12, 1989, of
[Off-Street Parking, Rear
[Yard and Exposure of A
[Dwelling Unit Variances
[Sought for property located
[at 229 Corbett Avenue.
[VARIANCE CASE NO. 88.747V.
[FOR HEARING TODAY. (7/30)

Action: Upon motion of Commissioner Melbostad the Board voted 2-3 (Marks, Makras and House) to overrule the Zoning Administrator. Four votes being necessary to overrule, the decision of the Zoning Administrator is upheld with no modification to his findings.

Speakers: (A) Capt. M.F. Virjee, Michael Rosene, tenant, Sheila Waele, Maya Virjee, Tom Meyers, Sung Kim, Patricia Waele, (D) Robert Passmore, Zoning Administrator.

(8) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

Speakers: None.

There being no further business to come before the Board, President Marks adjourned the meeting at 9:21 p.m.

Robert H. Feldman
Executive Director

Transcripts of these hearings may be obtained from Doris Levine, Official Court Reporter, telephone (415) 456-9899.

A) APPELLANT AND SUPPORTERS.
B) DEPARTMENT REPRESENTATIVES
C) PERMIT HOLDERS AND SUPPORTERS
D) DEPARTMENT SUPPORTERS

CONVENED: 5:05 P.M.
ADJOURNED: 10:18 P.M.

Minutes -SF

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MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, AUGUST 2, 1989

5:00 P.M., ROOM 282, CITY HALL

PRESENT: PRESIDENT MARKS, VICE PRESIDENT MAKRAS, COMMISSIONERS RALPH HOUSE, PAUL MELBOSTAD, AND BEVERLY PRIOR.

1 **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUESTS FOR REHEARING:

ITEM A: Letter from Harry Barlow requesting rehearing of Appeal No. 89-120. Hearing July 12, 1989. The appellant had protested the issuance to Kirk Leonard Moon, permit to alter a building at 1642 - 16th Avenue. Upon motion of Commissioner Melbostad, the Board voted 3 - 2 to overrule the department. Vice President Makras and Commissioner Prior dissented. The department was upheld and the permit granted.

ATION:

ITEM B: Letter from Pamela S. Duffy, Esq., on behalf of the Gurdjieff Foundation, requesting rehearing of Appeal No. 89-107. Hearing June 21, 1989. Findings of fact adopted July 12, 1989. The appellants had protested the Zoning Administrator's determination dated May 9, 1989, that the Gurdjieff Foundation was in compliance with the City Planning Code at 85 Saint Elmo Way. Upon motion of Commissioner House, the Board voted 5 - 0 to overrule the Zoning Administrator's determination that the Gurdjieff Foundation was in compliance with the City Planning Code at 85 Saint Elmo Way.

ATION: UPON MOTION OF VICE PRESIDENT MAKRAS, THE BOARD VOTED 4-1 (COMMISSIONER PRIOR DISSENTED) NOT GRANT A REHEARING. THE APPEAL WILL NOT BE REHEARD.

ITEM C: Letter from Anne Margaret Tower requesting rehearing of Appeal No. 89-126. Hearing July 12, 1989. The appellant had protested the issuance of permit to erect a 6-unit residential building at 734-14th Street. Upon motion of Vice President Makras, the Board voted 5-0 to uphold the department and grant the permit.

TION: UPON MOTION OF COMMISSIONER MELBOSTAD, THE BOARD VOTED 5-0 NOT TO GRANT A REHEARING.

CORRESPONDENCE FOR DISCUSSION:

ITEM D: Letter from Carolyn and Kirsti Aho regarding construction of garage at 4660 - 25th Street. Discussion of this matter continued from hearing of June 28, 1989.

TION: REPORT BY LAWRENCE KORNFIELD, CHIEF INPECTOR, BUREAU OF BUILDING INSPECTION.

2) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

EAKERS: Margaret Verges, Kirsti Aho, Victor Makras, Judith Boyajian.

APPEAL NO. 89-122

3) JOE LING JUNG, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on
[May 23, 1989, to Peter
[& Mary Fung, permit to
[Alter a Building at
[1449 Leavenworth Street.
[APPLICATION NO. 8907747.
[FOR FURTHER HEARING TODAY. (7/17)

TION: CASE CONTINUED TO AUGUST 23, 1989.
ntinued at request of parties prior to hearing.

M I N U T E S

APPEAL NO. 89-147

VIRGILIO D. CAPATI, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Appealing for Refund
[of Penalty Imposed
[on July 3, 1989,
[for work done at
[585 Anderson Street.
[APPLICATION NO. 8908014
[FOR HEARING TODAY (8/19)

ATION: UPON MOTION OF COMMISSIONER HOUSE, THE BOARD VTED 4-0 (VICE PRESIDENT MAKRAS WAS ABSENT FROM THE METING) TO OVERRULE THE DEPARTMENT AND REDUCE THE PENALTY T $1,000.00, PLUS THE REGULAR FEE OF $58.50, FOR A TOTAL OF $1,058.50 DUE TO THE DEPARTMENT. SPEAKERS: (A) VIRGILIO D. CAPATI (D) LAWRENCE KORNFIELD.

APPEAL NO. 89-148

EDWARD W. KAENEL, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Appealing for Refund
[of Penalty Imposed
[on June 28, 1989,
[for work done at
[337 Capp Street.
[APPLICATION NO. 8911343
[FOR HEARING TODAY (8/19)

ATION: UPON MOTION OF VICE PRESIDENT MAKRAS, THE BOARD VTED 5-0 TO UPHOLD THE DEPARTMENT. REQUEST FOR REFUND PENALTY IS DENIED. SPEAKERS: (A) EDWARD W. KAENEL () LAWRENCE KORNFIELD, CHIEF, BUREAU OF BUILDING INSPECTION.

APPEAL NO. 89-110

HANS REIMAN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Imposition of Penalty
[on May 25, 1989,
[for work done at
[634 Shotwell Street.
[APPLICATION NO. 8909117.
[FOR REHEARING TODAY. (7/5)

ATION: UPON MOTION OF COMMISSIONER MELBOSTAD, THE BOARD VTED 5-0 TO UPHOLD THE DEPARTMENT'S ORDER. EAKERS: NONE. THE APPELLANT DID NOT APPEAR.

APPEAL NO. 89-143

STERGOIS PAPADOPOULOS, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Imposition of Penalty
[on July 5, 1989,
[for work done at
[2582 - 19th Avenue.
[APPLICATION NO. 8903898.
[FOR HEARING TODAY. (8/14)

TION: UPON MOTION OF COMMISSIONER PRIOR, THE BOARD VOTED 0 TO OVERRULE THE DEPARTMENT AND REDUCE THE PENALTY TO 0.20, PLUS THE REGULAR FEE OF $70.20, FOR A TOTAL OF 40.40 DUE TO THE DEPARTMENT. SPEAKERS: (A) Stergios Papadopoulos (D) Lawrence Kornfield.

APPEAL NO. 89-119

SHAIKH & FATIMA USMAN, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent

[Denial on June 5,
[1989, of permit to
[Alter a Building
[at 166 Turk Street.
[APPLICATION NO. 8904434.
[FOR HEARING TODAY. (7/15)

TION: THIS MATTER CONTINUED TO THE MEETING OF PTEMBER 13, 1989, at request of appellant prior to aring.

Items 9A and 9B shall be heard together.

APPEAL NO. 89-138

SUZANNE WALLACE, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[June 19, 1989, to Rettke
[Construction, permit to
[Demolish a Building at
[154 Gates Street.
[APPLICATION NO. 8712591.
[FOR HEARING TODAY. (8/7)

CTION: UPON MOTION OF VICE PRESIDENT MAKRAS, THE BOARD OTED 5-0 TO UPHOLD THE DEPARTMENT AND GRANT THE PERMIT UBJECT TO THE FOLLOWING CONDITIONS: (1) INTERNAL STAIRS E REDESIGNED TO HAVE A CONNECTION FROM THE FAMILY ROOM TO THE FLOOR ABOVE. 2) CITY PLANNING TO REVIEW PARKING CAPABILITY OF THE GARAGE. (3) COMMISSIONER PRIOR TO REVIEW INAL PLANS. SPEAKERS: (A) SUSAN WALLACE (D) ROBERT PASSMORE, ZONING ADMINISTRATOR (P) PHILLIP IETZEN, MONTE RETTKE.

APPEAL NO. 89-140

SUZANNE WALLACE, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[June 19, 1989, Rettke
[Construction, permit to
[Erect a Structure at
[154 Gates Street.
[APPLICATION NO. 8712592.
[FOR HEARING TODAY. (8/9)

CTION: SEE ABOVE.

APPEAL NO. 89-139

FRANK YEE, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[June 20, 1989, to
[Lino D'Silva, permit
[to Alter a Building
[at 1914 Clement Street.
[APPLICATION NO. 88158115.
[FOR HEARING TODAY. (8/8)

CTION: CONTINUED TO MEETING OF AUGUST 9, 1989, FOR URTHER HEARING. SPEAKERS: (A) DIANE YIPP, FRANK YEE, LAINE TIMM, LAURA HAIGHT (D) JUDITH BOYAJIAN.

APPEAL NO. 89-141

NORMAN C. STONE, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[June 16, 1989, to
[Donna Garolla, permit
[to Alter a Building at
[2320-2322 Broadway St.
[APPLICATION NO. 8816719.
[FOR HEARING TODAY. (8/9)

CTION: UPON MOTION OF VICE PRESIDENT MAKRAS, THE BOARD OTED 3-2 TO OVERRULE THE DEPARTMENT AND DENY THE PERMIT. OUR VOTES NEEDED TO OVERRULE, THE DEPARTMENT IS UPHELD AND THE PERMIT GRANTED. PEAKERS: (A) NORA STONE, NORMAN STONE , TERRY TRACY, JIM TRACEY (P) THOMAS J. TOWEY.

APPEAL NO. 89-142

KONRAD & MARGO BORS, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[June 28, 1989, to
[Richard Fiore, permit to
[Alter a Building at
[779 Carolina Street.
[APPLICATION NO. 8904260.
[FOR HEARING TODAY. (8/14)

CTION: THIS APPEAL WITHDRAWN PRIOR TO HEARING AT REQUEST F APPELLANT.

APPEAL NO. 89-144

MR. SUE M. JEW, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[June 21, 1989, to
[Morgan Montague, permit to
[Alter a Building at
[60 Clifford Terrace.
[APPLICATION NO. 890073.
[FOR HEARING TODAY. (8/15)

CTION: UPON MOTION OF COMMISSIONER HOUSE, THE BOARD VOTED -0 TO UPHOLD THE DEPARTMENT AND GRANT THE PERMIT. PEAKERS: (A) SUE JEW, JOHN JEW., (P) PATRICIA MONTAGUE, ORGAN MONTAGUE.

MINUTES

APPEAL NO. 89-145

JERRY F. SCHIMMEL, Appellant
(4) vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on [June 23, 1989, to [Jeremias Zeuli, permit to [Erect a Structure at [61 Prentiss Street. [APPLICATION NO. 8701259. [FOR HEARING TODAY. (8/16)

ATION: THE BOARD CONTINUED THIS MATTER TO THE CALL OF THE CAIR. SPEAKERS: (A) JERRY SCHIMMEL, ALICE MABLE, TERRY MLNE. (D) ROBERT W. PASSMORE, JUDITH BOYAJIAN, ESQ., (P) JACK WHOLEY, ESQ.

APPEAL NO. 89-146

SHIRLEY MARTINEZ, Appellant
(5) vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on [June 26, 1989, to [Martin Ryan, permit to [Erect a Structure at [474 Joost Avenue. [APPLICATION NO. 8602097 [FOR HEARING TODAY (8/19)

ATION: THE BOARD CONTINUED THIS MATTER TO SEPTEMBER 13, 189 FOR FURTHER HEARING. SPEAKERS: (A) PAULA EAMON JUDAH, JYNE BLATCHLY, SHIRLEY MARTINEZ, PENNEY YOUNG, MARY REINHORN (P) BRUCE BONACKER

APPEAL NO. 89-158

DARYL L. SEIFERT, Appellant
(6) vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on [June 30, 1989, to S. [Ayanian & L. Filian, [permit to Alter a [Building at 1142 - [1144 Mariposa Street. [APPLICATION NO. 8908740. [FOR HEARING TODAY. (8/23)

TION: UPON MOTION OF VICE PRESIDENT MAKRAS, THE BOARD TE 5-0 TO UPHOLD THE DEPARTMENT AND GRANT THE PERMIT BJECT TO THE CONDITIONS ATTACHED TO THE NOTICE OF DER AND DECISION IN THE APPEAL BOARD OF PERMIT APPEALS LE. SPEAKERS:

APPEAL NO. V89-132

LEONARD GAGE, Appellant
(7) vs.
ZONING ADMINISTRATOR, Respondent

[Denial on June 12, 1989 [of Rear Yard Variance [Sought for property [located at 610 Oak St. [VARIANCE CASE NO. 89.036V. [FOR HEARING TODAY. (8/2)

TION: THIS HEARING OF THIS APPEAL CONTINUED TO PTEMBER 13, 1989. SPEAKERS: (A) BARBARA GAGE, LEONARD GE, DOUGLAS ELLIOT, (D) ROBERT PASSMORE, ZONING ADMINISTRATOR

(8) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

NO SPEAKERS CAME FORWARD.

ERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, PRESIDENT MARKS ADJOURNED THE ARING AT 10:18 P.M.

Robert H. Feldman

ROBERT H. FELDMAN, EXECUTIVE DIRECTOR

ANSCRIPTS OF THESE HEARINGS MAY BE OBTAINED FROM DORIS LEVINE, OFFICIAL COURT REPORTER. LEPHONE (415) 456-9899.

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MINUTES

CONVENED: 5:03 P.M.
ADJOURNED: 8:38 P.M

MEETING OF THE BOARD OF PERMIT APPEALS

() APPELLANT AND SUPPORTERS
() DEPARTMENT REPRESENTATIVES **WEDNESDAY, AUGUST 9, 1989**
() PERMIT HOLDERS AND SUPPORTERS
() DEPARTMENT SUPPORTERS **5:00 P.M., ROOM 282, CITY HALL**

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PRESENT: PRESIDENT MARKS, VICE PRESIDENT MAKRAS, COMMISSIONERS HOUSE AND PRIOR.
ABSENT: PAUL MELBOSTAD.

) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUESTS FOR REHEARING:

ITEM A: Letter from Ben Herman requesting rehearing of Appeal No. 89-066. Hearing July 19, 1989. The appellant had protested the issuance of permit to alter a building at 1246 Sacramento Street. Upon motion of Vice President Makras, the Board voted 3-2 to uphold the Department and grant the permit. Commissioners Prior and House dissented.

CTION: UPON MOTION OF VICE PRESIDENT MAKRAS, THE BOARD VOTED 4-0 NOT TO GRANT A REHEARING.

ITEM B: Letter from Philip L. Wagner requesting rehearing of Appeal No. 89-137. Hearing July 19, 1989. Appellant had protested the imposition of penalty for work done at 2817 Pine Street. Upon motion of Commissioner House, the Board voted 4-1 to uphold the Department. Commissioner Prior dissented.

CTION: UPON MOTION OF COMMISSIONER HOUSE, THE BOARD VOTED 2 - 2 TO GRANT A REHEARING (PRESIDENT ARKS AND VICE PRESIDENT MAKRAS DISSENTED). THE REQUEST FOR REHEARING IS DENIED.

ITEM C: Letter from Jeffrey B. Maso requesting rehearing of Appeal No. 89-117. Hearing July 19, 1989. The appellants, William and Rosa Frith, had protested the issuance to Jeffrey Maso and Beverly Langer of permit to alter a building at 674-29th Street. Upon motion of Commissioner Melbostad, the Board voted 4-1 to uphold the Department and grant the permit subject to conditions.

CTION: UPON MOTION OF COMMISSIONER HOUSE, THE BOARD VOTED 4-0 NOT TO GRANT A REHEARING.

) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

O SPEAKERS CAME FORWARD.

APPEAL NO. 89-080

) ERNESTO J. PULETTI, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[November 1, 1988, to
[Steven Byers, permit to
[Erect a Structure at
[at 352 San Marcos Ave.
[APPLICATION NO. 8718038.
[FOR FURTHER HEARING TODAY. (6/7)

CTION: CASE CONTINUED TO AUGUST 23, 1989, AT THE REQUEST F PARTIES PRIOR TO THE MEETING.

APPEAL NO. 89-139

.) FRANK YEE, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[June 20, 1989, to
[Lino D'Silva, permit
[to Alter a Building
[at 1914 Clement Street.
[APPLICATION NO. 88158115.
[FOR FURTHER HEARING TODAY. (8/8)

CTION: CASE CONTINUED TO SEPTEMBER 13, 1989, FOR FURTHER EARING. SPEAKERS: (A) HERBERT YEE (P) LINO D'SILVA, ERRICK WU, ELAINE Y. TIMM, JOHN THOMAS, ESQ. (D) LAWRENCE ORNFIELD, CHIEF, BUREAU OF BUILDING INSPECTION.

APPEAL NO. 89-150

5) HANG. T. TRAN, Appellant
vs.
POLICE DEPARTMENT, Respondent

[Denial on July 6, 1989,
[of Masseuse Permit at
[1172 Sutter Street.
[FOR HEARING TODAY. (8/20

ACTION: UPON MOTION OF COMMISSIONER HOUSE, THE BOARD VOTED 3-1 TO OVERRULE THE DEPARTMENT (VICE PRESIDENT MAKRAS DISSENTED). FOUR VOTES NEEDED TO OVERRULE, THE DEPARTMENT'S ORDER IS UPHELD. SPEAKERS: (D) JERRY AKINS, ESQ., LT. MICHAEL AMITA, SGT GRIFFIN AND OFFICER LEANNA DAWYDIAK, ESQ. (A) THOMAS STEELE, ESQ.

APPEAL NO. 89-153

MANDY TUBBS, Appellant
vs.
POLICE DEPARTMENT, Respondent

[Suspension on June 28, [1989, of Massage [Establishment Permit [at 461 Sutter Street. [FOR HEARING TODAY. (8/21

ATION: CASE CONTINUED TO AUGUST 23, 1989, FOR HEARING.

APPEAL NO. 89-155

WONG ELECTRIC, INC., Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Imposition of Penalty [on July 14, 1989, [for work done at [625 - 2nd Street. [FOR HEARING TODAY. (8/2

TION: UPON MOTION OF COMMISSIONER HOUSE, THE BOARD VOTED 0 TO OVERRULE THE DEPARTMENT AND REDUCE THE PENALTY TO 90.00. SPEAKERS: (A) STEVE L. WONG (D) LAWRENCE KORNFIELD, DPW.

APPEAL NO. 89-151

GINA E. SOLIS, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on July 10, [1989, of permit to [Alter a Building at [235-239 Pixley St. [FOR HEARING TODAY. (8/2

CTION: UPON MOTION OF COMMISSIONER PRIOR, THE BOARD VOTED 3-1 TO UPHOLD THE DEPARTMENT AND ENY THE PERMIT (VICE PRESIDENT MAKRAS DISSENTED). SPEAKERS: (A) GINA SOLIS (D) BARRY PEARL, CIT LANNING.

APPEAL NO. 89-152

KATHLEEN K. RAWLINGS, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on [June 27, 1989, to [Leslie Natali, permit [to Alter a Building [at 32 States Street. [APPLICATION NO. 8811775. [FOR HEARING TODAY. (8/2

CTION: UPON MOTION OF VICE PRESIDENT MAKRAS, THE BOARD OTED 4-0 TO UPHOLD THE DEPARTMENT AND GRANT THE PERMIT UBJECT TO THE CONDITIONS THAT THE PLANS BE REVISED TO HOW THE DELETION OF THE LIGHTS OVER THE SKYLIGHT. THE PERMIT HOLDER SHALL SECURE A SEPARATE ERMIT FOR THE INSTALLATION OF THESE LIGHTS. SPEAKERS: (A) KATHLEEN K. RAWLINGS, JOSEPH GRANESE, OHN DAVIS AND MICHAEL BERG (P) LESLIE NATALI.

APPEAL NO. 89-154

MS. FERRIS CRANE, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on [June 28, 1989, to [Raymond and Patricia [Rochon, permit to [Alter a Building at [3733 Clay Street. [FOR HEARING TODAY. (8/

ICTION: UPON MOTION OF COMMISSIONER PRIOR, THE BOARD VOTED 1-0 TO UPHOLD THE DEPARTMENT AND GRANT THE PERMIT SUBJECT TO THE CONDITIONS ATTACHED TO THE NOTICE OF ORDER AND DECISION. SPEAKERS: (A) MS. FERRIS CRANE (P) SUSAN FOLEY, ESQ. (D) JUDITH BOYIJIAN, ESQ. AND LAWRENCE KORNFIELD.

APPEAL NO. 89-157

ROBERT G. NELSON, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on [June 29, 1989, to [David Fong, permit [to Alter a Building [at 125 Robinhood Drive. [APPLICATION NO. 8812803. [FOR HEARING TODAY. (8/

ACTION: UPON MOTION OF COMMISSIONER PRIOR, THE BOARD VOTED 4-0 TO GRANT THE PERMIT. SPEAKERS: (A) ROBERT NELSON (P) DOUGLAS FONG, BRUCE FONG (D) LAWRENCE KORNFIELD, BARRY PEARL, CITY PLANNING.

(12) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.
NO SPEAKERS CAME FORWARD.

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, PRESIDENT MARKS ADJOURNED THE MEETING AT 8:38 P.M.

Robert H. Feldman

ROBERT H. FELDMAN, EXECUTIVE DIRECTOR

TRANSCRPTS OF THESE HEARINGS MAY BE OBTAINED FROM DORIS LEVINE, OFFICIAL COURT REPORTER. TELEPHONE (415) 456-9899.

BOARD OF PERMIT APPEALS
CITY HALL
SAN FRANCISCO, CA 94102

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MINUTES

CONVENED: 5:09 P.M.
ADJOURNED: 8:07 p.m.

MEETING OF THE BOARD OF PERMIT APPEALS

A) APPELLANT AND SUPPORTERS
D) DEPARTMENT REPRESENTATIVES
P) PERMIT HOLDERS AND SUPPORTERS
S) DEPARTMENT SUPPORTERS

WEDNESDAY, AUGUST 23, 1989

5:00 P.M., ROOM 282, CITY HALL

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RESENT: PRESIDENT MARKS, VICE PRESIDENT MAKRAS, COMMISSIONERS HOUSE AND PRIOR
ABSENT: COMMISSIONER MELBOSTAD

) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

FOR ADOPTION OF FINDINGS ONLY:

ITEM A: Appeal No. 89-158. Public hearing held August 2, 1989. Upon motion of Vice President Makras, the Board voted 5-0 to uphold the department subject to conditions and grant the permit for 1142-1144 Mariposa Street.

TION: UPON MOTION OF COMMISSIONER HOUSE, THE BOARD VOTED 4-0 TO ADOPT THE FINDINGS AS SUBMITTED.

ITEM B: Appeal Nos. 88-156 through 88-160; and V89-005. Public hearing held June 7, 1989. Upon motion of Vice President Makras, the Board voted 5 - 0 to overrule the Zoning Administrator and, subject to conditions, to reinstate the five permits for 3702, 3712, 3722 Ulloa Street, 2987-38th Avenue and grant the variance.

TION: UPON MOTION OF COMMISSIONER HOUSE, THE BOARD VOTED 4-0 to adopt the findings as submitted

) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.
SPEAKER: VICE PRESIDENT MAKRAS.

APPEAL NO. 89-073

ANDREAS VON FOERSTER, Appellant
) vs.
ZONING ADMINISTRATOR, Respondent

[Determination by the
[Zoning Administrator
[on March 28, 1989,
[that the proposal
[does not conform to
[Planning Code Section
[132 (b) & Residential
[Design Guidelines at
[128 Montcalm Street.
[APPLICATION NO. 8902465.
[FOR FURTHER HEARING TODAY. (5/22)

TION: PRESIDENT MARKS CONTINUED THIS MATTER TO THE CALL OF THE CHAIR. SPEAKER: ROBERT W. PASSMORE, ZONING ADMINISTRATOR.

APPEAL NO. 89-122

JOE LING JUNG, Appellant
) vs.
DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on
[May 23, 1989, to Peter
[& Mary Fung, permit to
[Alter a Building at
[1449 Leavenworth Street.
[APPLICATION NO. 8907747.
[FOR FURTHER HEARING TODAY. (7/17)

TION: AT THE REQUEST OF THE APPELLANT THIS MATTER CONTINUED TO THE MEETING OF SEPTEMBER 13, 1989.

APPEAL NO. 89-080

ERNESTO J. PULETTI, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[November 1, 1988, to
[Steven Byers, permit to
[Erect a Structure at
[at 352 San Marcos Ave.
[APPLICATION NO. 8718038.
[FOR FURTHER HEARING TODAY. (6/7)

ION: UPON MOTION OF COMMISSIONER PRIOR, THE BOARD ED TO UPHOLD THE DEPARTMENT AND GRANT THE PERMIT JECT TO CONDITIONS ATTACHED TO THE NOTICE OF ORDER AND ISION. SPEAKERS: (D) LAWRENCE KORNFIELD, CHIEF, BUREAU OF BUILDING INSPECTION (A) ERNESTO J. ETTI, JOSEPH BERTAIN, ESQ., (P) ELEANORE DESPINE, ESQ., STEVEN BYERS.

APPEAL NO. 89-124

KAI-MIN JEN & JACK TSENG,
vs. Appellants
POLICE DEPARTMENT,
Respondent

[Denial on June 2,
[1989, of permit for a
[Massage Establishment,
[dba "Fantasy Massage"
[at 960 Harrison Street.
[FOR HEARING TODAY. (7/18)

ION: UPON MOTION OF VICE PRESIDENT MAKRAS, THE BOARD ED 2-2 TO OVERRULE THE DEPARTMENT AND GRANT THE PERMIT (MARKS AND PRIOR DISSENTED). FOUR ES NEEDED TO OVERRULE THE DEPARTMENT, THE DEPARTMENT IS UPHELD AND THE PERMIT DENIED. AKERS: (D) JERRY AKINS, ESQ., POLICE OFFICERS L. MCGEE, DAN O'SHAY, LT. KERMIT AND SGT CURRAN. PETER BEECHER, SHARON GRACE (A) JERRY KLINE, MS KATHERINE WILLIS, KAI-MIN JEN.

KLEIN

APPEAL NO. 89-153

MANDY TUBBS, Appellant
vs.
POLICE DEPARTMENT, Respondent

[Suspension on June 28,
[1989, of Massage
[Establishment Permit
[at 461 Sutter Street.
[FOR HEARING TODAY. (8/21)

ION: AT REQUEST OF APPELLANT, MATTER CONTINUED TO TING OF AUGUST 30, 1989, FOR HEARING.

APPEAL NO. 89-161

DONALD D. MCCRUM, Appellant
vs.
POLICE DEPARTMENT, Respondent

[Denial on July 6,
[1989, of Tow Car
[Operator permit at
[359 Potrero Avenue.
[FOR HEARING TODAY. (8/27)

ION: UPON MOTION OF VICE PRESIDENT MAKRAS, THE BOARD ED 4-0 TO OVERRULE THE DEPARTMENT AND GRANT THE PERMIT. AKERS: (A) DONALD D. MCCRUM, EDWARD ARROYO (D) JERRY AKINS, ESQ., INSPECTOR T.C. PECK.

APPEAL NO. 89-159

WILLIAM VERSACI, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Imposition of Penalty
[on July 17, 1989,
[for work done at
[2950-52 Pine Street.
[APPLICATION NO. 8907637.
[FOR HEARING TODAY. (8/26)

ION: UPON MOTION OF VICE PRESIDENT MAKRAS, THE BOARD ED 3-1 TO UPHOLD THE DEPARTMENT (COMMISSIONER PRIOR SENTED) THE DEPARTMENT IS UPHELD. SPEAKERS: (A) WILLIAM SACI (D) LAWRENCE KORNFIELD.

APPEAL NO. 89-162

ROGER GEOFFROY, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Appealing for Refund
[of Penalty Imposed
[on July 18, 1989,
[for work done at
[2006 - 22nd Street.
[APPLICATION NOS.
[8908269 & 8909087.
[FOR HEARING TODAY. (8/29)

ION: UPON MOTION OF VICE PRESIDENT MAKRAS, THE BOARD ED 4-0 TO UPHOLD THE DEPARTMENT. THE APPELLANT WAS NOT SENT.

M I N U T E S

APPEAL NO. 88-219

(11) JAMES L. GATTEN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on August 16, [1988, of permit to [Alter a Building at [1975 - 8th Avenue. [APPLICATION NO. 8808193. [FOR HEARING TODAY. (9/25)

ACTION: UPON MOTION OF COMMISSIONER HOUSE, THE BOARD VOTED 4-0 TO UPHOLD THE DEPARTMENT AND DENY THE PERMIT.
SPEAKERS: (A) JEFFREY YONG (D) ROBERT W. PASSMORE (S) EUGENE MCGUIRE, PATRICK MCGUIRE.

APPEAL NO. 89-164

(12) BEATRIZ & FERNANDO NAVARRETE, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on [July 5, 1989, to [Mr. Bykin, permit to [Alter a Building at [1355 - 27th Avenue. [APPLICATION NO. 8807480. [FOR HEARING TODAY. (8/27)

ACTION: UPON MOTION OF COMMISSIONER PRIOR, THE BOARD VOTED 4-0 TO UPHOLD THE DEPARTMENT AND GRANT THE PERMIT.
SPEAKERS: (A) BEATRIZ & FERNANDO NAVARRETE, HELEN SMITH (P) JEAN PARDUE, BRIAN KYNE AND DAVID LYDMAN.

APPEAL NO. 89-165

(13) LUBA TROYANOVSKY, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting condition [imposed on July 7, [1989, by DAHI requiring [fireproof materials [or sprinklers at [248-252 - 8th Avenue. [APPLICATION NO. 8816170. [FOR HEARING TODAY. (8/30)

ACTION: UPON MOTION OF COMMISSIONER PRIOR, THE BOARD VOTED 4-0 TO UPHOLD THE DEPARTMENT'S ORDER. SPEAKERS: (A) LUBA TROYANOVSKY (D) LAWRENCE KORNFIELD.
SPEAKERS: (P) DAVIDE CINCOTTA, ESQ.
APPELLANT NOT PRESENT.

APPEAL NO. 89-169

(14) B. F. HERMAN, III, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on [July 12, 1989, to [Gene Gillis, permit to [Alter a Building at [1246 Sacramento St. [APPLICATION NO. 8910863. [FOR HEARING TODAY. (9/5)

ACTION: UPON MOTION OF VICE PRESIDENT MAKRAS, THE BOARD VOTED 4-0 TO UPHOLD THE DEPARTMENT AND GRANT THE PERMIT.

APPEAL NO. V89-096

(15) STEVE E. DROLAPAS, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on May 5, 1989, [of Rear Yard and [Obstructions Over St./ [Alley Variances Sought [for property located [at 2109 - 41st Avenue. [VARIANCE CASE NO. 88.640V. [FOR HEARING TODAY. (6/24)

ACTION: APPEAL WITHDRAWN PRIOR TO MEETING AT REQUEST OF APPELLANT.

(16) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.
NO SPEAKERS CAME FORWARD.

There being no further business to come before the Board, President Marks adjourned the hearing at 8:07 p.m.

Robert H. Feldman

ROBERT H. FELDMAN, EXECUTIVE DIRECTOR

TRANSCRIPTS OF THESE HEARINGS MAY BE OBTAINED FROM DORIS LEVINE, OFFICIAL COURT REPORTER TELEPHONE (415) 456-9899.

BOARD OF PERMIT APPEALS
Room 154-A City Hall
San Francisco, CA 94102

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A) APPELLANT AND SUPPORTERS
D) DEPARTMENT REPRESENTATIVES
S) DEPARTMENT SUPPORTERS
P) PERMIT HOLDERS AND SUPPORTERS

CONVENED: 4:30 p.m.
ADJOURNED: 10:30 p.m.

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MINUTES

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, AUGUST 30, 1989

4:30 P.M., ROOM 282, CITY HALL

EXECUTIVE SESSTION: AT 4:30 P.M., IN ROOM 282, THE BOARD MET IN CLOSED SESSION FOR THE PURPOSE OF DISCUSSING WITH THE CITY ATTORNEY CURRENT LITIGATION: FRANKEL VS. GEORGE, SUPERIOR COURT ACTION NO. 908784, BOARD OF PERMIT APPEALS, APPEAL NO. 89-068. PROPERTY AT 361 LOMBARD STREET.

PRESENT: PRESIDENT MARKS, VICE PRESIDENT MAKRAS, COMMISSIONERS HOUSE, MELBOSTAD AND PRIOR.

MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:

REQUESTS FOR REHEARING:

ITEM A: Letter from Thomas Steel, Esq. on behalf of Hang T. Tran requesting rehearing of Appeal No. 89-150. Hearing August 9, 1989. The appellant had protested the denial of masseuse permit at 1172 Sutter Street. Upon motion of Commissioner House, the Board voted 3-1 to overrule the department (Vice President Makras dissented). Four votes needed to overrule the department, therefore the department is upheld and the permit denied.

ACTION: UPON MOTION OF COMMISSIONER PRIOR, THE BOARD VOTED 4-1 (VICE PRESIDENT MAKRAS DISSENTED) TO REHEAR THIS APPEAL. THE APPEAL WILL BE REHEARD OCTOBER 4, 1989.

2) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.
SPEAKERS: FRANK ALVAREZ, ADMINISTRATOR OF KAISER HOSPITAL, MARGARET VERGES, APPELLANT, AND ALICE MARKLEY, ESQ., FOR KAISER. KAISER HOSPITAL, THE PERMIT HOLDER IN APPEAL NO. 89-192, REQUESTED THAT THEIR HEARING SCHEDULED FOR OCTOBER 4, 1989, BE MOVED UP TO AN EARLIER MEETING. UPON MOTION OF PRESIDENT MARKS, THE BOARD VOTED 2-3 THAT THE MATTER BE HEARD AS SCHEDULED (COMMISSIONERS HOUSE, MELBOSTAD AND PRIOR VOTED TO HEAR THE CASE ON SEPTEMBER 13, 1989). THE HEARING WILL BE RESCHEDULED TO THE MEETING OF SEPTEMBER 13, 1989.

NOTE: THE COURT REPORTER SWORE IN THOSE WHO WERE TO TESTIFY IN THE FOLLOWING APPEAL.

APPEAL NO. 89-153

3) MANDY TUBBS, Appellant
vs.
POLICE DEPARTMENT, Respondent

[Suspension on June 28, 1989, of Massage Establishment Permit at 461 Sutter Street. FOR HEARING TODAY. (8/21)

ACTION: UPON MOTION OF COMMISSIONER HOUSE, THE BOARD VOTED 3-2 TO UPHOLD THE DEPARTMENT'S. ORDER. PRESIDENT MARKS AND COMMISSIONER MELBOSTAD DISSENTED. THE DEPARTMENT IS UPHELD. SPEAKERS: (D) JERRY AKINS ESQ., POLICE ATTORNEY, OFFICERS DAVE KAMITA, JORDON HOM AND CHARLES W. LOFGREN. (A) THOMAS STEEL, ESQ., MANDY TUBBS.

NOTE: THE COURT REPORTER SWORE IN THOSE WHO WERE TO TESTIFY IN THE FOLLOWING APPEAL.

APPEAL NO. 89-166

4) SHELBA AND JOHN KETCHUM, dba CHICAGO HUT DOGS, Appellant
vs.
POLICE DEPARTMENT, Respondent

[Denial on April 29, 1989, of permit for Mechanical Amusement Devices at 3227 - 16th Street. FOR HEARING TODAY. (9/1)

ACTION: UPON MOTION OF VICE PRESIDENT MAKRAS, THE BOARD VOTED 5-0 TO UPHOLD THE DEPARTMENT AND DENY THE PERMIT. SPEAKERS: (A) JOHN KETCHUM (D) JERRY AKINS, ESQ., OFFICER SALLY DEHAVEN, SGT. TACCHINI (S) RICHARD SUAREZ (D) JUDITH BOAJIAN, DEPUTY CITY ATTORNEY.

RECESS: 6:40 - 6:54

APPEAL NO. 89-163

5) KEITH KRUMBACH, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Appealing for Refund of Penalty Imposed on July 7, 1989, for work done at 2401 Turk Boulevard. APPLICATION NO. 8904977. FOR HEARING TODAY. (8/30)

ACTION: UPON MOTION OF COMMISSIONER HOUSE, THE BOARD VOTED 4-1 TO OVERRULE THE DEPARTMENT AND REDUCE THE PENALTY(VICE PRESIDENT MAKRAS DISSENTED). THE PENALTY IS REDUCED TO $100.43, PLUS THE REGULAR FEE OF $100.43, FOR A TOTAL OF $200.86 DUE TO THE DEPARTMENT. SPEAKERS: (A) KEITH KRUMBACH (S) LAWRENCE KORNFIELD.

APPEAL NO. 89-170

6) LYLE FREDRICKSON, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Imposition of Penalty on July 28, 1989, for work done at 193 Corbett Avenue. APPLICATION NO. 8912435. FOR HEARING TODAY. (9/6)

ACTION: CONTINUED TO THE MEETING OF SEPTEMBER 13, 1989.
SPEAKERS: (A) RICHARD PHILLIP (D) LAWRENCE KORNFIELD.

APPEAL NO. 89-173

DONA CANDELA, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Appealing for Refund
[of Penalty Imposed
[on July 21, 1989,
[for work done at
[722 Wisconsin Street.
[APPLICATION NO. 8909618.
[FOR HEARING TODAY. (9/10)

ACTION: UPON MOTION OF COMMISSIONER PRIOR, THE BOARD VOTED TO OVERRULE THE DEPARTMENT AND REDUCE THE PENALTY TO $93.60, PLUS THE REGULAR FEE OF $93.60, FOR A TOTAL OF $187.20 DUE TO THE DEPARTMENT. SPEAKERS: (A) Dona Candela (D) LAWRENCE KORNFIELD, DPW.

APPEAL NO. 89-168

MICHAEL O'BRIEN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on July 10,
[1989, of permit to
[Erect a Structure
[at 901 Texas Street.
[APPLICATION NO. 8905305.
[FOR HEARING TODAY. (8/27)

ACTION: UPON MOTION OF COMMISSIONER PRIOR, THE BOARD VOTED TO OVERRULE THE DEPARTMENT AND GRANT THE PERMIT.
SPEAKERS: (A) MICHAEL O'BRIEN, VICTOR DEROSSI (D) MARY GALLAGHER, CITY PLANNING.

APPEAL NO. 89-177

CHANG H. LEE, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Denial on August 9,
[1989, of permit to
[Alter a Building at
[20 Camp Street.
[APPLICATION NO. 8906654.
[FOR HEARING TODAY. (9/13)

ACTION: UPON MOTION OF COMMISSIONER PRIOR, THE BOARD VOTED TO CONTINUE THIS MATTER TO THE CALL OF THE CHAIR.
SPEAKERS: (A) CHANG LEE, KEN LEE, MRS YANG LIN. (D) LAWRENCE KORNFIELD.

APPEAL NO. 89-007

GREATER WEST PORTAL NEIGHBORHOOD ASSOCIATION, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[January 4, 1989, to
[Barry Kane, permit to
[Demolish a Building at
[14 Edgehill Way.
[APPLICATION NO. 8718138.
[FOR HEARING TODAY. (3/1)

ACTION: CONTINUED TO MEETING OF SEPTEMBER 13, 1989, AT THE REQUEST OF THE PERMIT HOLDER PRIOR TO THE MEETING.

APPEAL NO. 89-167

JULIAN B. DENEBEIM, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[July 14, 1989, to Edmund
[and Nora Chiu, permit
[to Alter a Building at
[542 - 24th Avenue.
[APPLICATION NO. 8717352.
[FOR HEARING TODAY. (8/26)

ACTION: APPEAL WITHDRAWN AT REQUEST OF APPELLANT PRIOR TO THE MEETING.

APPEAL NO. 89-171

CAROL OCHLAN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[July 21, 1989, to L. Kam
[Lee & Cathryn Lee, permit
[to Alter a Building at
[511 Lawton Street.
[APPLICATION NO. 89022852.
[FOR HEARING TODAY. (9/6)

ACTION: UPON MOTION OF COMMISSIONER PRIOR, THE BOARD VOTED TO UPHOLD THE DEPARTMENT AND GRANT THE PERMIT.
SPEAKERS: (A) CAROL OCHLAN (P) KAM LEE

APPEAL NO. 89-178

SARA M. ANDERSON, Appellant
(3) vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on [July 26, 1989, to [Ena Kwok, permit to [Alter a Building at [1915 - 32nd Avenue. [APPLICATION NO. 8808184. [FOR HEARING TODAY. (9/18)

ACTION: UPON MOTION OF COMMISSIONER PRIOR, THE BOARD VOTED 5-0 TO GRANT THE PERMIT SUBJECT TO CONDITIONS. CONDITIONS ATTACHED TO THE NOTICE OF ORDER AND DECISION. SPEAKERS: (A) SARA ANDERSON, SIMMIE NOBLE COLLINS, DOROTHY MCDOUGALL AND KAY WILKES (P) KUNG HANG CHIU AND ELI KWOK.

Items 14A through 14C shall be heard together.

APPEAL NO. 89-183

THE NEW BAYVIEW COMMITTEE,
Appellant
(4A) vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on [July 28, 1989, to General [Brewing Company, permit [to Demolish a Building [at 2601 Newhall Street. [APPLICATION NO. 8904272. [FOR HEARING TODAY. (9/23)

ACTION: THIS MATTER CONTINUED FOR FURTHER HEARING TO THE MEETING OF SEPTEMBER 13, 1989. SPEAKERS: CHERYL TOWNS, ALA SIMS (P) RICK GUSMAN, BERNIE ORSI (D) LAWRENCE KORNFIELD.

APPEAL NO. 89-184

THE NEW BAYVIEW COMMITTEE,
Appellant
(4B) vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on [July 28, 1989, to General [Brewing Company, permit [to Demolish a Building [at 2601 Newhall Street. [APPLICATION NO. 8904273. [FOR HEARING TODAY. (9/23)

SEE ENTRY 14A.

APPEAL NO. 89-183

THE NEW BAYVIEW COMMITTEE,
Appellant
(4C) vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on [July 28, 1989, to General [Brewing Company, permit [to Demolish a Building [at 2601 Newhall Street. [APPLICATION NO. 8904274. [FOR HEARING TODAY. (9/23)

SEE ENTRY 14A

APPEAL NO. V89-179

JERRY WINBERG & WILLIAM FINLEY,
Appellants
15) vs.
ZONING ADMINISTRATOR, Respondent

[Denial on August 2, 1989, [of Off-Street Parking, [Rear Yard and Exposure of [a Dwelling Unit variances [sought for property located [at 149 Corbett Avenue. [VARIANCE CASE NO. 88.757V. [FOR HEARING TODAY. (9/18)

ACTION: UPON MOTION OF COMMISSIONER HOUSE, THE BOARD VOTED 4-0 TO UPHOLD THE DEPARTMENT AND DENY VARIANCES (VICE PRESIDENT MAKRAS WAS ABSENT FROM THE MEETING). SPEAKERS: (A) WILL FINLEY (D) MARY GALLAGHER, CITY PLANNING.

16) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker. *SPEAKERS: EDITH MCMILLAN. JUDITH BOYAJIAN, DEPUTY CITY ATTORNEY.*

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, PRESIDENT MARKS ADJOURNED THE MEETING AT 10:30 P.M.

Robert H. Feldman

Robert H. Feldman, Executive Director

TRANSCRIPTS OF THESE HEARINGS MAY BE OBTAINED FROM DORIS LEVINE, OFFICIAL COURT REPORTER. TELEPHONE (415) 456-9899.

BOARD OF PERMIT APPEALS
Room 154-A City Hall
San Francisco, CA 94102

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A) APPELLANT AND SUPPORTERS
D) DEPARTMENT REPRESENTATIVES
S) DEPARTMENT SUPPORTERS
P) PERMIT HOLDER AND SUPPORTERS

CONVENED: 5:00 p.m.
ADJOURNED: 10:30 p.m.

MINUTES

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, SEPTEMBER 13, 1989

5:00 P.M., ROOM 282, CITY HALL

SF
330
3
9/13/89

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( ) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUESTS FOR REHEARING:

ITEM A: Letter from Jerry Klein on behalf of appellants Kai-Min Jen and Jack Tseng requesting rehearing of Appeal No. 89-124. Hearing August 23, 1989. The appellants had protested the denial of permit for a massage establishment at 960 Harrison Street. Upon motion of Vice President Makras, the Board voted 2-2 to overrule the department and grant the permit (Marks and Prior dissented). Four votes needed to overrule the department the order is upheld and the permit denied. Commissioner Melbostad was absent from the meeting.

CTION: UPON MOTION OF COMMISSIONER HOUSE, THE BOARD VOTED 4-1 (PRESIDEND MARKS DISSENTED) O REHEAR THIS APPEAL. REHEARING SCHEDULED FOR OCTOBER 11, 1989.

2) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.
NO SPEAKERS CAME FORWARD.

APPEAL NO. 86-210

(3) ILYAS ABSAR, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on July 28, 1986, of permit to Alter a Building at 114-116 Clarendon Ave. [REMANDED BY SUPERIOR COURT NO. 870-921.

CTION: UPON MOTION OF COMMISSIONER MELBOSTAD, THE BOARD OTED 5-0 TO RESCIND THEIR VOTE AND TO UPHOLD THE DEPARTMENT'S DENIAL.

APPEAL NO. 89-122

(4) JOE LING JUNG, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on May 23, 1989, to Peter and Mary Fung, permit to Alter a Building at 1449 Leavenworth Street. [APPLICATION NO. 8907747. [FOR FURTHER HEARING TODAY. (7/17)

ACTION: UPON MOTION OF COMMISSIONER PRIOR, THE BOARD VOTED 4-1 (PRESIDENT MARKS DISSENTED) TO OVERRULE THE DEPARTMENT AND DENY THE PERMIT. SPEAKERS: (P) DAVID RUSSO, ESQ, (A) DAVID JUNG, ESQ. (D) KATE HERMANN, ESQ., DEPUTY CITY ATTORNEY.

APPEAL NO. V89-132

(5) LEONARD GAGE, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on June 12, 1989, [of Rear Yard Variance [Sought for property located at 610 Oak Street. [VARIANCE CASE NO. 89.036V. [FOR FURTHER HEARING TODAY. (8/2)

ACTION: THIS MATTER CONTINUED TO MEETING OF OCTOBER 11, 1989. SPEAKERS: (A) LEONARD GAGE, (D) BARRY PEARL, CITY PLANNING. (D) LAWRENCE KORNFIELD, BUREAU OF BUILDING INSPTECTION (S) DOUGLAS C. ELLIOT, INDY AUSTIN.

APPEAL NO. 89-139

(6) FRANK YEE, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on [June 20, 1989, to [Lino D'Silva, permit [to Alter a Building [at 1914 Clement Street. [APPLICATION NO. 88158115. [FOR FURTHER HEARING TODAY. (8/8)

ACTION: THIS MATTER CONTINUDD TO THE CALL OF THE CHAIR. SPEAKERS: (A) INA YIPP (P) JOHN M. THOMAS, ESQ., TERRY WU, ARCHITECT (D) LAWRENCE KORNFIELD.

M I N U T E S

APPEAL NO. 89-146

SHIRLEY MARTINEZ, Appellant
() vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on [June 6, 1989, to [Martin Ryan, permit to [Erect a Structure [at 474 Joost Avenue. [APPLICATION NO. 8602097 [FOR FURTHER HEARING TODAY (8/19)

ACTION: UPON MOTION OF COMMISSIONER PRIOR, THE BOARD VOTED 5-0 TO UPHOLD THE DEPARTMENT WITH THE REVISED PLANS SPEAKERS: (P) BRUCE BONNACKER, ARCHITECT (A) SHIRLEY MARTINEZ.

Items 8A through 8C shall be heard together.

APPEAL NO. 89-183

THE NEW BAYVIEW COMMITTEE,
Appellant
8A) vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on [July 28, 1989, to General [Brewing Company, permit [to Demolish a Building [at 2601 Newhall Street. [APPLICATION NO. 8904272. [FOR FURTHER HEARING TODAY. (9/23)

ACTION: APPEAL ADMINISTRATIVELY WITHDRAWN. THIS ACTION WAS TAKEN BECAUSE THE PERMIT WAS IMPROPERLY ISSUED. THE MATTER IS TO BE SENT BACK TO CITY PLANNING FOR ENVIRONMENTAL REVIEW. SPEAKERS: (P) BRUCE BAUMANN (D) BARRY PEARL, CITY PLANNING.

APPEAL NO. 89-184

THE NEW BAYVIEW COMMITTEE,
Appellant
8B) vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on [July 28, 1989, to General [Brewing Company, permit [to Demolish a Building [at 2601 Newhall Street. [APPLICATION NO. 8904273. [FOR FURTHER HEARING TODAY. (9/23)

SEE ENTRY ABOVE FOR ITEM A.

APPEAL NO. 89-185

THE NEW BAYVIEW COMMITTEE,
Appellant
8C) vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on [July 28, 1989, to General [Brewing Company, permit [to Demolish a Building [at 2601 Newhall Street. [APPLICATION NO. 8904274. [FOR FURTHER HEARING TODAY. (9/23)

SEE ENTRY ABOVE FOR ITEM 8A .

APPEAL NO. 89-007

GREATER WEST PORTAL NEIGHBORHOOD
ASSOCIATION, Appellant
9) vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on [January 4, 1989, to [Barry Kane, permit to [Demolish a Building at [14 Edgehill Way. [APPLICATION NO. 8718138. [FOR HEARING TODAY. (3/1)

ACTION: PRESIDENT MARKS CONTINUED THIS MATTER TO THE CALL OF THE CHAIR.

APPEAL NO. 89-174

BLACKSTONE COURT ASSOCIATION,
10) vs. Appellant
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on [July 17, 1989, to George [Bovone and Al Giannini, [permit to Erect a Structure [at 1555 Lombard Street. [APPLICATION NO. 8800816. [FOR HEARING TODAY. (9/10)

ACTION: UPON MOTION OF VICE PRESIDENT MAKRAS, THE BOARD VOTED 5-0 TO OVERRULE THE DEPARTMENT AND DENY THE PERMIT. SPEAKERS: (A) SUE HESTOR, ESQ., JANE HOWELL, ROBERT E. DAVID, JEAN KORTUM, ALICE ROSS CAREY, A.I.A., (P) ALICE BARKLEY, ESQ.

M I N U T E S

APPEAL NO. 89-175

(1) LOIS MITCHELL & MARY NICHOLS, Appellant vs. DEPT. PUBLIC WORKS, Respondent CITY PLANNING APPROVAL

[Protesting issuance on [July 21, 1989, to [Lloyd Lindbeck, permit [to Alter a Building at [at 5-7 Castro Street. [APPLICATION NO. 8815137. [FOR HEARING TODAY. (9/11)

ION: UPON MOTION OF COMMISSIONER PRIOR, THE BOARD VOTED - TO UPHOLD THE DEPARTMENT AND GRANT THE PERMIT SUBJECT TO THE CONDITION THAT THE HEIGHT OF THE BUILDING BE REDUCED FEET. SPEAKERS: (A) MARY NICHOLS, LOIS MITCHELL, BILL KENDRICK, LEE NICHOLS, LEW KIMMICK, NELLE CASE, MARK GROSS, GLEN WILLIAMS, AND LOIS MITTBELE (P) LLOYD LINDBECK, LOUIS HUERTO CO, A.I.A.

APPEAL NO. 89-192

.2) ANZAVISTA CIVIC & IMPROVEMENT CLUB, Appellant vs. DEPT. PUBLIC WORKS, Respondent CITY PLANNING APPROVAL

[Protesting issuance on [August 3, 1989, to [Kaiser Permanete Medical [Center, permit to [Demolish a Building at [2140 O'Farrell Street. [APPLICATION NO. 8907934. [FOR HEARING TODAY. (9/27)

ION: UPON MOTION OF COMMISSIONER HOUSE, THE BOARD VOTED - TO UPHOLD THE DEPARTMENT AND GRANT THE PERMIT. SPEAKERS: MARGARET VERGES, KEITH CONSOER, PAUL KIRWIN, STEVE PERLS ALICE BARKLEY, JAMES H. WILSON, REV. TIMOTHY DUPREE, IARD LARKIN, REV. JAMES LAMPTON, GEORGE MIX, DANIEL BODNER (D) LESLIE LUM, SAN FRANCISCO DEPT. PUBLIC HEALTH.

APPEAL NO. V89-176

13) LARRY COFFEY, Appellant vs. ZONING ADMINISTRATOR, Respondent

[Protesting issuance on [July 25, 1989, of Rear [Yard and Usable Open [Space Variances Sought, [for property located at [22 Aladdin Terrace. [VARIANCE CASE NO. 88.787V. [FOR HEARING TODAY. (9/13)

ION: UPON MOTION OF COMMISSIONER HOUSE, THE BOARD VOTED 3 TO UPHOLD THE DEPARTMENT AND GRANT THE VARIANCE. RESIDENT MARKS, VICE PRESIDENT MAKRAS AND COMMISSIONER LBOSTAD DISSENTED.) FOUR VOTES NEEDED TO OVERRULE, THE PARTMENT IS UPHELD AND THE VARIANCES SOUGHT GRANTED. EAKERS: (P) CHRIS BIGELOW, VIC GRUPPIO, BURTON EDWARDS, VICTORIA CAHILL, STEVEN KINSKY (A) LARRY FFEY, JEFFREY PERKINS, ESQ.

15) **Public Comment:** Presentation shall be limited to three (3) minutes for each person.

NO SPEAKERS CAME FORWARD.

ERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, PRESIDENT MARKS ADJOURNED THE MEETING 10:30 p.m.

Robert H. Feldman

ROBERT H. FELDMAN, EXECUTIVE DIRECTOR

RANSCRIPTS OF THESE HEARINGS MAY BE OBTAINED FROM DORIS LEVINE, OFFICIAL COURT REPORTER. ELEPHONE (415) 456-9899.

BOARD OF PERMIT APPEALS
Room 154-A City Hall
San Francisco, CA 94102

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A) APPELLANT AND SUPPORTERS
D) DEPARTMENT REPRESENTATIVES
S) DEPARTMENT SUPPORTERS
P) PERMIT HOLDERS AND SUPPORTERS

MINUTES

CONVENED: 5:47 P.M
ADJOURNED: 7:54 P.M

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9/20/89

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MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, SEPTEMBER 20, 1989

5:00 P.M., ROOM 282, CITY HALL

PRESENT: PRESIDENT MARKS, VICE PRESIDENT MAKRAS AND COMMISSIONER MELBOSTAD.
COMMISSIONER HOUSE ARRIVED AT 5:47 P.M. AND COMMISSIONER PRIOR ARRIVED AT 6:40 P.M.

(1) MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:

REQUESTS FOR JURISDICTION BEYOND THE FIFTEEN-DAY APPEAL PERIOD:

ITEM A: Letter from Philip Li requesting the Board take jurisdiction over penalty assessed by Bureau of Building Inspection June 12, 1989, for work done at 2511-16th Avenue.

Penalty assessed	June 12, 1989
Appeal period ended	June 27, 1989
Request for jurisdiction received	September 6, 1989

ACTION: UPON MOTION OF VICE PRESIDENT MAKRAS, THE BOARD VOTED 4-0 NOT TO GRANT JURISDICTION.

ITEM B: Letter from Grant Tower III, Esq., requesting the Board to take jurisdiction over permit issued for structural addition at 1050 Chestnut Street.

Permit issued	February 14, 1989
Appeal period ended	March 1, 1989
Request for jurisdiction received	September 7, 1989

ACTION: PRESIDENT MARKS CONTINUED THIS MATTER TO THE MEETING OF OCTOBER 4, 1989. PURPOSE OF CONTINUANCE: (1) TO ESTABLISH THAT PROPER NOTIFICATION OF THE ISSUANCE OF THE PERMIT WAS AS GIVEN AND (2) TO DETERMINE IF THE DECK WAS BUILT ACCORDING TO CODE.

REQUEST FOR REHEARING:

ITEM C: Letter from Thomas Steel, Esq. on behalf of Mandy Tubbs, requesting rehearing of Appeal No. 89-153. Hearing August 30, 1989. The appellant had protested the suspension of Massage Establishment permit at 461 Bush Street. Upon motion of Commissioner House, the Board voted 3-2 to uphold the Department's order (President Marks and Commissioner Melbostad dissented). The Department's order of suspension was upheld.

ACTION: UPON MOTION OF COMMISSIONER HOUSE, THE BOARD VOTED 4-0 NOT TO GRANT A REHEARING IN THIS MATTER.

(2) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

NO SPEAKERS CAME FORWARD.

THE FOLLOWING APPEAL WAS HEARD OUT OF ORDER LATER IN THE HEARING WHEN FIVE COMMISSIONERS WERE PRESENT.

(3) APPEAL NO. 88-255

BING W. CHOY, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on September 16, 1988, of permit to Alter a Building at 277 - 7th Avenue. APPLICATION NO. 8615315. FOR FURTHER HEARING TODAY. (11/9)

ACTION: UPON MOTION OF VICE PRESIDENT MAKRAS, THE BOARD VOTED 4-1 to OVERRULE THE DEPARTMENT AND GRANT THE PERMIT SUBJECT TO THE CONDITION THAT THE PERMIT HOLDER SUBMIT REVISED PLANS TO REFLECT A REDESIGN OF THE ROOF IN WHICH THE FIRST 9½ FEET OF THE PEAKED ROOF IS RETAINED. THE REAR PORTION OF THE ROOF IS TO BE REDESIGNED TO BE LESS BULKY. PLANS TO BE SUBMITTED TO DIRECTOR FELDMAN AND TO COMMISSIONER PRIOR FOR APPROVAL. SPEAKERS: (A) JACK WHOLEY, ESQ., ARCHITECT HAWK LEE. (D) MARY GALLAGHER, CITY PLANNING. EDITH MCMILLAN ADDRESSED A QUESTION TO THE BOARD. PRESIDENT MARKS CAST THE DISSENTING VOTE.

ID COURT REPORTER SWORE IN THOSE WHO WERE TO TESTIFY IN THE FOLLOWING TWO APPEALS.

M I N U T E S

APPEAL NO. 89-187

4) WILLIAM A. SOMMERS, Appellant
vs.
POLICE DEPARTMENT, Respondent

[Protesting issuance on [August 3, 1989, to [Gary L. Wakefield, permit [to Operate a Second Hand [Dealer-Auto Accessories [Business located at [928 Toland Street. [FOR HEARING TODAY. (9/26)

CTION: UPON MOTION OF COMMISSIONER MELBOSTAD, THE BOARD OTED 3-1 TO UPHOLD THE DEPARTMENT AND GRANT THE PERMIT. PRESIDENT MARKS DISSENTED.) THE DEPARTMENT'S ORDER WAS PHELD. SPEAKERS: (D) JERRY AKINS, ESQ., POLICE ATTORNEY, FFICER MAHONEY, SGT. TACHINNI (A) BILL SOMMERS (P) LAURA CKEL, ESQ., (D) MARY GALLAGHER, CITY PLANNING.

:40 P.M. COMMISSIONER PRIOR ARRIVED AT THE MEETING.

APPEAL NO. 89-189

5) YEN B. MILLER, Appellant
vs.
POLICE DEPARTMENT, Respondent

[Denial on August 3, 1989, [of a Masseuse Trainee [Permit at 585 Eddy Street. [FOR HEARING TODAY. (9/26)

CTION: UPON MOTION OF VICE PRESIDENT MAKRAS, THE BOARD OTED 5-0 TO UPHOLD THE DEPARTMENT AND DENY THE PERMIT. PEAKERS: (D) OFFICER LEANNA M. DAWYDIAK, POLICE DEPARTMENT, SGT CURRAN, OFFICER DAN O'SHAY.

APPEAL NO. 89-181

5) LINDA CLARK, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Appealing for Refund [of Penalty Imposed [on August 8, 1989, [for work done at [244 Missouri Street. [APPLICATION NO. 8903365. [FOR HEARING TODAY. (9/19)

CTION: UPON MOTION OF COMMISSIONER MELBOSTAD, THE BOARD OTED 5-0 OVERRULE THE DEPARTMENT AND REDUCE THE PENALTY O TWO TIMES THE REGULAR FEE FOR A TOTAL OF $304.20 DUE O THE DEPARTMENT. SPEAKERS: (A) LINDA CLARK (D) LAWRENCE ORNFIELD, DPW.

APPEAL NO. 89-186

') TIM LEEFELDT, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Appealing for Refund [of Penalty Imposed [on August 17, 1989, [for work done at [760 Clayton Street. [APPLICATION NO. 8912554. [FOR HEARING TODAY. (9/26)

CTION: UPON MOTION OF COMMISSIONER MELBOSTAD, THE BOARD OTED 4-1 TO OVERRULE THE DEPARTMENT AND REDUCE THE ENALTY TO $655.20. (COMMISSIONER PRIOR DISSENTED.) PEAKERS: (A) TIM LEEFELDT (D) LAWRENCE KORNFIELD.

APPEAL NO. 89-188

1) ANTONIOS KOUTSAKIS, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on August 11, [1989, of permit to [Alter a Building at [2204 Bryant Street. [APPLICATION NO. 8906162. [FOR HEARING TODAY. (9/26)

CTION: UPON MOTION OF COMMISSIONER MELBOSTAD, THE BOARD OTED 5-0 TO OVERRULE THE DEPARTMENT AND GRANT THE PERMIT. PEAKERS: (A) KAMEL TOTAH (D) MARY GALLAGHER, CITY PLANNING.

HERE BEING NO FURHTER BUSINESS TO COME BEFORE THE BOARD, PRESIDENT MARKS ADJOURNED THE MEETING T 7:54 P.M.

Robert H. Feldman

ROBERT H. FELDMAN, EXECUTIVE DIRECTOR

RANSCRIPTS OF THESE HEARINGS MAY BE OBTAINED FROM DORIS LEVINE, OFFICIAL COURT REPORTER. ELEPHONE (415) 456-9899.

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A) APPELLANT AND SUPPORTERS
D) DEPARTMENT REPRESENTATIVES
S) DEPARTMENT SUPPORTERS
P) PERMIT HOLDERS AND SUPPORTERS

CONVENED: 5:13 p.m.
ADJOURNED: 10:28 p.m.

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10/4/89

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, OCTOBER 4, 1989

5:00 P.M., ROOM 282, CITY HALL

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MINUTES

1 **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUESTS FOR JURISDICTION BEYOND THE FIFTEEN DAY APPEAL PERIOD:

ITEM A: Letter from Grant Tower III, Esq., requesting the Board to take jurisdiction over permit issued for structural addition at 1050 Chestnut Street.

Permit issued	March 14, 1989
Appeal period ended	March 1, 1989
Request for jurisdiction received	September 7, 1989

This matter was continued from the meeting of September 20, 1989. Purpose of continuance was: (1) To ascertain if deck was built according to Code and (2) To establish that the notification of the permit issuance was sent to the proper address.

ACTION: UPON MOTION OF COMMISSIONER PRIOR, THE BOARD VOTED 5-0 NOT TO TAKE JURISDICTION.

ITEM B: Letter from Gilbert Eisenberg, Esq., on behalf of Suwatana Barnby requesting the Board take jurisdiction over denial of Masseuse Trainee permit.

Permit denied	July 21, 1989
Appeal period ended	August 7, 1989
Request for jurisdiction received	September 18, 1989

ACTION: UPON MOTION OF COMMISSIONER PRIOR, THE BOARD VOTED 4-1 NOT TO GRANT JURISDICTION.
SPEAKER: JERRY AKINS, ESQ., REPRESENTING THE POLICE DEPARTMENT. COMMISSIONER HOUSE DISSENTED.

ITEM C: Letter from Jimmie Smith and Alice Broom on behalf of Mrs. Maggie Dow requesting Board to take jurisdiction over permit issued for new construction at 1457 Quesada Street.

Permit issued	June 22, 1989
Appeal period ended	July 7, 1989
Request for jurisdiction received	September 15, 1989

ACTION: THE BOARD CONTINUED THIS MATTER FOR FURTHER review TO THE MEETING OF OCTOBER 11, 1989.
SPEAKERS: JIMMIE SMITH, ROBERT W. PASSMORE AND JOAN MACQUARRIE.

REQUESTS FOR REHEARING:

ITEM D: Letter from Alice Suet Yee Barkley, Esq., requesting rehearing of Appeal No. 89-174. The appellant, the Blackstone Court Association, had protested the issuance of permit to erect a structure at 1555 Lombard Street. Meeting September 13, 1989. Upon motion of Vice President Makras, the Board voted 5-0 to overrule the Department and deny the permit.

ACTION: THE BOARD CONTINUED THIS MATTER FOR review TO THE MEETING OF OCTOBER 11, 1989.
SPEAKER: SUE HESTOR, ESQ.

MINUTES

REQUESTS FOR REHEARING: (Continued)

ITEM E: Letter from Margaret A. Verges requesting rehearing of Appeal No. 89-192. Hearing September 13, 1989. The appellant had protested the issuance to Kaiser Permanente Medical Center, permit to demolish a building at 2140 O'Farrell Street. Upon motion of Commissioner House, the Board voted 5-0 to uphold the Department and grant the permit.

CTION: THE BOARD CONTINUED THIS MATTER TO THE MEETING OF OCTOBER 11, 1989.
PEAKERS: MARGARET A. VERGES, JUDITH BOYAJIAN, ESQ., AND ROBERT W. PASSMORE.

ITEM F: Letter from Jeff L. Strobel, Esq., on behalf of Shirley Martinez requesting rehearing of Appeal No. 89-146. Hearing September 13, 1989. Appellant had protested the issuance of permit to erect a structure at 474 Joost Avenue. Upon motion of Commissioner Prior, the Board voted 5-0 to uphold the Department on condition that the revised plans submitted at the September 13, 1989, hearing be substituted for the original plans.

CTION: UPON MOTION OF COMMISSIONER PRIOR, THE BOARD VOTED 5-0 NOT TO REHEAR THIS APPEAL.

ITEM G: Letter from David E. Russo, Esq., on behalf of Mr. and Mrs. Fung requesting rehearing of Appeal No. 89-122. Hearing September 13, 1989. The Fungs had been issued a permit to alter a building at 1449 Leavenworth Street. Upon motion of Commissioner Prior, the Board 4-1 to overrule the Department and deny the permit. President Marks dissented.

CTION: UPON MOTION OF VICE PRESIDENT MAKRAS, THE BOARD VOTED 5-0 NOT TO GRANT A REHEARING.
SPEAKERS: JOE LING JUNG AND JUDITH BOYAJIAN, ESQ.

2) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.
SPEAKERS: CAROL TAYLOR, JOAN MACQUARRIE. TERRY MILNE AND MARGARET VERGES. President Marks commented on letter she received from Jerry Klein, dated September 28, 1989, regarding Appeal No. 89-124.

CE: PRIOR TO HEARING THE NEXT CASE, THE COURT REPORTER SWORE IN THOSE WHO WERE TO TESTIFY.

APPEAL NO. 89-150

3) HANG. T. TRAN, Appellant
vs.
POLICE DEPARTMENT, Respondent

[Denial on July 6, 1989,
[of Masseuse Permit at
[1172 Sutter Street.
[FOR REHEARING TODAY. (8/20

CTION: UPON MOTION OF PRESIDENT MARKS, THE BOARD VOTED 5-0 TO OVERRULE THE DEPARTMENT AND GRANT THE PERMIT.
AKERS: (D) JERRY AKINS, ESQ., POLICE DEPARTMENT, SGT. CURRAN (A) THOMAS STEEL, ESQ.

APPEAL NO. 89-197

4) JOHN C. LAKE, Appellant
vs.
POLICE DEPARTMENT, Respondent

[Revocation on August 31,
[1989, of permit to
[operate Taxi Cab.
[FOR HEARING TODAY. (10/1

S APPEAL CONTINUED FOR HEARTING TO THE MEETING OF OCTOBER 1989, PRIOR TO THE MEETING.

APPEAL NO. 89-193

5) PETER LEWANDOWSKI, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Imposition of Penalty
[on August 21, 1989,
[for work done at
[3865-3867 - 21st Street.
[APPLICATION NO. 8901943.
[FOR HEARING TODAY. (9/30

TION: UPON MOTION OF COMMISSIONER MELBOSTAD, THE BOARD TED 5-0 TO OVERRULE THE DEPARTMENT AND REDUCE THE PENALTY $45.50, PLUS THE REGULAR FEE OF $45.50, FOR A TOTAL OF 1.00 DUE TO THE DEPARTMENT. SPEAKERS: (A) PETER LEWANDOWSKI (D) JOAN MACQUARRIE.

M I N U T E S

APPEAL NO. 89-194

MAN HOY LIU, Appellant
() vs.
DEPT. PUBLIC WORKS, Respondent

[Appealing for Refund
[of Penalty imposed
[on August 8, 1989,
[for work done at
[182 Precita Avenue.
[APPLICATION NO. 8909713.
[FOR HEARING TODAY. (9/30)

ATION: UPON MOTION OF PRESIDENT MARKS, THE BOARD VOTED 5) to UPHOLD THE DEPARTMENT AND SUSTAIN THE PENALTY. SEAKERS: (A) MAN HOY LIU (D) JOAN MACQUARRIE.

APPEAL NO. 89-195

TED JOHNSON, Appellant
') vs.
DEPT. PUBLIC WORKS, Respondent

[Appealing for Refund
[of Penalty imposed
[on August 18, 1989,
[for work done at
[3773 Market Street.
[APPLICATION NO. 8912207.
[FOR HEARING TODAY. (10/2)

ATION: UPON MOTION OF COMMISSIONER MELBOSTAD, THE BOARD TED 5-0 TO UPHOLD THE DEPARTMENT AND SUSTAIN THE PENALTY. SEAKERS: (A) TED JOHNSON (D) JOAN MACQUARRIE

APPEAL NO. 89-196

EDGAR GOMEZ, Appellant
8) vs.
DEPT. PUBLIC WORKS, Respondent

[Imposition of Penalty
[on August 28, 1989,
[for work done at
[1076-1078 Capp Street.
[APPLICATION NO. 8912619.
[FOR HEARING TODAY. (10/9)

TION: UPON MOTION OF COMMISSIONER HOUSE, THE BOARD VOTED 0 TO OVERRULE THE DEPARTMENT AND REDUCE THE PENALTY TO 00 PLUS THE REGULAR FEE OF $43.87, FOR A TOTAL OF $543.87 DUE TO THE DEPARTMENT.

APPEAL NO. 89-200

JULIE YANG LEE, Appellant
9) vs.
DEPT. PUBLIC WORKS, Respondent

[Imposition of Penalty
[on September 8, 1989,
[for work done at
[1030 Irving Street.
[APPLICATION NO. 8907443.
[FOR HEARING TODAY. (10/18

CTION: UPON MOTION OF VICE PRESIDENT MAKRAS, THE BOARD OTED 5-0 TO UPHOLD THE DEPARTMENT AND SUSTAIN THE PENALTY. PPELLANT FAILED TO APPEAR AT THE HEARING.

RESIDENT MARKS RECESSED THE HEARING FROM 7:12 p.m. TO 7:23 p.m.

APPEAL NO. 89-190

VIVIAN T. GOODWIN, Appellant
(10) vs.
CITY PLANNING COMMISSION,
Respondent

[Protesting issuance on
[August 3, 1989, to
[Ernest J. McNabb, of
[Coastal Dev. permit to
[Erect a Structure at
[801 - 47th Avenue for a
[3-unit residential bldg.
[COASTAL DEV. APPLICATION
[NO. 89.258P.
[FOR HEARING TODAY. (9/26

CTION: UPON MOTION OF COMMISSIONER MELBOSTAD, THE BOARD OTED 5-0 TO UPHOLD THE DEPARTMENT AND GRANT THE PERMIT UBJECT TO TWO CONDITIONS: (1) THAT THE PERMIT HOLDER SHALL ECORD ON THE LAND RECORDS A NOTICE OF SPECIAL RESTRICTIONS I THE TWO ADJACENT PROPERTIES (ASSESSORS BLOCK 1690, LOT and 42) LIMITING BUILDING ON THESE TWO LOTS TO A MAXIMUM OF TWO STORIES OVER GARAGE TO A HEIGHT 32 FEET. (2) ALL EXPOSED SIDES OF THE SUBJECT BUILDING TO BE FULLY FINISHED. SPEAKERS: (A) VIVIAN ODWIN, RICHARD GOODWIN, DAVE WARREN AND PEGGY COFFMAN (D) ROBERT PASSMORE, CITY PLANNING) CHARLES ASHMAN, ARCHITECT.

M I N U T E S

APPEAL NO. 89-191

(1) TOM PANELLI, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on [August 3, 1989, to [Just Desserts, permit [to Alter a Building at [3735 Buchanan Street. [APPLICATION NO. 8900320. [FOR HEARING TODAY. (9/27)

ACTION: UPON MOTION OF PRESIDENT MARKS, THE BOARD VOTED 4-0 TO UPHOLD THE DEPARTMENT AND GRANT THE PERMIT.
SPEAKERS: (A) BRAD HEINZ, LINDA CHANG , CARL NICHOLS (B) BOB LISSETTE, ELLIOTT HOFFMAN (D) JOAN MACQUARRIE.
(COMMISSIONER MAKRAS WAS ABSENT FROM THIS HEARING.)

APPEAL NO. 89-198

(2) ANDY & KRIS WISKES, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on [August 18, 1989, to Anna [and Bruce Meyer, permit [to Erect a Structure at [21 Wright Street. [APPLICATION NO. 8903103. [FOR HEARING TODAY. (10/15

ACTION: UPON MOTION OF VICE PRESIDENT MAKRAS, THE BOARD VOTED 4-0 TO UPHOLD THE DEPARTMENT AND GRANT THE PERMIT SUBJECT TO TWO CONDITIONS: (1) HOURS OF CONSTRUCTION 8 a.m. to 5 p.m. DAILY AND (2) CONSTRUCTION OF A CHAIN LINK FENCE AROUND THE CONSTRUCTION SITE.
SPEAKERS: (A) MS. KRIS WISKES (P) NANCY C. LENVIN, ESQ., NICK STAVRIANOPOULOS.

APPEAL NO. V89-160

(13) ROBERT TIBBITS, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on July 6, 1989, [of Off-Street Parking, [Rear Yard and Exposure [of a Dwelling Unit [Variances sought for [property located at [386-388 Chestnut Street. [VARIANCE CASE NO. 89.096V. [FOR HEARING TODAY. (8/26)

ACTION: UPON MOTION OF COMMISSIONER MELBOSTAD, THE BOARD VOTED 5-0 TO OVERRULE THE DEPARTMENT AND GRANT THE VARIANCES SUBJECT TO THE CONDITION THAT THE VARIANCE HOLDER RECORD A NOTICE OF SPECIAL RESTRICTIONS LIMITING RENT TO HUD DEFINED MODERATE INCOME LEVEL. SPEAKERS: (P) ROBERT W. PASSMORE (A) ROBERT TIBBITS AND JACK WHOLEY, ESQ.

APPEAL NO. V89-199

(14) ROBERT L. MC CURN, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on August 25, 1989, [of Rear Yard, Usable Open [Space and Exposure of a [Dwelling Unit Variances [Sought, for property located [at 1111 Plymouth Avenue. [VARIANCE CASE NO. 89.088V. [FOR HEARING TODAY. (10/1)

ACTION: THE BOARD CONTINUED THIS MATTER FOR FURTHER HEARING TO OCTOBER 25, 1989. SPEAKERS: (A) BILL HEIJN AND ROBERT L. MCCURN (D) ROBERT W. PASSMORE. A NEIGHBOR, GARY SELTZER, MADE A STATEMENT TO THE BOARD.

(15) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

NO SPEAKERS CAME FORWARD.

Robert H. Feldman

ROBERT H. FELDMAN, EXECUTIVE DIRECTOR

TRANSCRIPTS OF THESE HEARINGS MAY BE OBTAINED FROM DORIS LEVINE, OFFICIAL COURT REPORTER. TELEPHONE (415) 456-9899.

BOARD OF PERMIT APPEALS
Room 154-A City Hall
San Francisco, CA 94102

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( ) APPELLANT AND SUPPORTERS
( ) DEPARTMENT REPRESENTATIVES
( ) PERMIT HOLDERS AND SUPPORTERS
( ) DEPARTMENT SUPPORTERS

SF

CONVENED: 5:19 p.m.
ADJOURNED: 8:29 p.m.

MEETING OF THE BOARD OF PERMIT APPEALS

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WEDNESDAY, OCTOBER 11, 1989

5:00 P.M., ROOM 282, CITY HALL

SF
R30
#3
10/11/89

MINUTES

COMMISSIONER PRIOR WAS ABSENT.

COMMISSIONERS PRESENT: PRESIDENT MARKS, VICE PRESIDENT MAKRAS, COMMISSIONERS HOUSE AND MELBOSTAD.

( ) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

ADOPTION OF FINDINGS OF FACT:

ITEM A: APPEAL NO. 89-192. Hearing September 13, 1989. Upon motion of Commissioner House, the Board voted 5-0 to uphold the Department and grant the permit for Kaiser Hospital to demolish a building at 2140 O'Farrell Street.

ACTION: FINDINGS ADOPTED AS AMENDED.

ITEM B: APPEAL NO. 89-174. Hearing September 13, 1989. Upon motion of Vice President Makras, the Board voted 5-0 to overrule the Department and deny the permit to erect a structure at 1555 Lombard Street, in the Blackstone Court Historic District. The appellant was the Blackstone Court Association.

ACTION: FINDINGS ADOPTED AS AMENDED.

REQUEST FOR JURISDICTION BEYOND THE FIFTEEN DAY APPEAL PERIOD:

ITEM C: Letter from Jimmie Smith and Alice Broom on behalf of Mrs. Maggie Dow requesting the Board to take jurisdiction over permit issued for new construction at 1457 Quesada Street.

Permit issued	June 22, 1989
Appeal period ended	July 7, 1989
Request for jurisdiction received	September 15, 1989

This matter continued from meeting of October 4, 1989, for further consideration.

ACTION: UPON MOTION OF COMMISSIONER MELBOSTAD, THE BOARD VOTED 3-1 (COMMISSIONER MAKRAS DISSENTED) TO TAKE JURISDICTION. FOUR VOTES NEEDED FOR JURISDICTION THE BOARD WILL NOT TAKE JURISDICTION.

REQUESTS FOR REHEARING:

ITEM D: Letter from Larry Coffey requesting rehearing of Appeal No. V89-176. Hearing September 13, 1989. Appellant had protested the granting of a variance for property at 22 Aladdin Terrace. Upon motion of Commissioner House, the Board voted 2-3 to uphold the Department and grant the variance. (President Marks, Vice President Makras and Commissioner Melbostad dissented.) Four votes being necessary to overrule a department, the variance decision is upheld.

ACTION: UPON MOTION OF VICE PRESIDENT MAKRAS, THE BOARD VOTED 2-2 NOT TO REHEAR THIS APPEAL. COMMISSIONERS HOUSE AND MELBOSTAD VOTED TO GRANT A REHEARING.

ITEM E: Letter from Alice Suet Yee Barkley, Esq., on behalf of the permit holders, requesting rehearing of Appeal No. 89-174.

ACTION:
UPON MOTION OF COMMISSIONER MELBOSTAD, THE BOARD VOTED 4-0 NOT TO REHEAR THIS APPEAL.

SPEAKER: ALICE BARKLEY, ESQ.

ITEM F: Letter from Margaret A. Verges requesting rehearing of Appeal No. 89-192. Hearing September 13, 1989. The appellant had protested the issuance to Kaiser Permanente Medical Center, permit to demolish a building at 2140 O'Farrell Street. Upon motion of Commissioner House, the Board voted 5-0 to uphold the Department and grant the permit.

ACTION: UPON MOTION OF COMMISSIONER MELBOSTAD, THE BOARD VOTED 4-0 NOT TO REHEAR THIS APPEAL.

MINUTES

(2) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.
NO SPEAKERS CAME FORWARD.

APPEAL NO. V89-132

(3) LEONARD GAGE, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on June 12, 1989, [of Rear Yard Variance [Sought for property [located at 610 Oak Street. [VARIANCE CASE NO. 89.036V. [FOR FURTHER HEARING TODAY. (8/2)

TIS MATTER CONTINUED TO OCTOBER 25, 1989, FOR HEARING.
NTINUED PRIOR TO HEARING.

APPEAL NO. 89-202

(4) GARRY BELENKY, Appellant
vs.
POLICE DEPARTMENT, Respondent

[Revocation on August 29, [1989, of Driver Public [Vehicle permit, dba [Allied Cab Company at [1200 Minnesota Street. [FOR HEARING TODAY. (10/2

FIOR TO THE MEETING, THIS MATTER CONTINUED TO OCTOBER 25, FR FURTHER HEARING. SPEAKERS: (D) JERRY AKINS, ESQ, AND CFICER LINDA FLANDERS OF THE POLICE DEPARTMENT. (A) GARRY BELENKY (TESTIMONY INTERPRETED BY SV, ANDREAS BELENKY).

APPEAL NO. 89-201

(5) NANE SCHLOTTHAUER, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Imposition of Penalty [on September 7, 1989, [for work done at [1649 Greenwich Street. [APPLICATION NO. 8908920. [FOR HEARING TODAY. (10/1

TION: UPON MOTION OF COMMISSIONER MELBOSTAD, THE BOARD TED 3-1 (PRESIDENT MARKS DISSENTED) TO REDUCE THE PENALTY UR VOTES NEEDED TO OVERRULE THE DEPARTMENT, THE ORDER IS HELD. SPEAKERS: (A) NANE SCHLOTTHUER (D) LAWRENCE KORNFIELD, CHIEF, BUREAU OF BUILDING SPECTION.

APPEAL NO. 89-205

(6) HERMAN GALANT, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Imposition of Penalty [on September 11, 1989, [for work done at [35 Castle Manor Avenue. [APPLICATION NO. 8810122. [FOR HEARING TODAY. (10/2

TION: UPON MOTION OF COMMISSIONER MELBOSTAD, THE BOARD OTED 4-0 TO OVERRULE THE DEPARTMENT AND REDUCE THE PENALTY) $20.50, PLUS THE REGULAR FEE OF $20.50, FOR A TOTAL OF 41.00 DUE TO THE DEPARTMENT. SPEAKERS: (A) HERMAN GALANT (D) LAWRENCE KORNFIELD, DPW, ROBERT PASSMORE, ZONING ADMINISTRATOR, DEPARTMENT OF CITY PLANNING.

APPEAL NO. 89-207

(7) MARK CRAIG, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Imposition of Penalty [on September 20, 1989, [for work done at [1316 Page Street. [APPLICATION NO. 8916628. [FOR HEARING TODAY. (10/3

CTION: UPON MOTION OF COMMISSIONER MELBOSTAD, THE BOARD OTED 4-0 TO OVERRULE THE DEPARTMENT AND REDUCE THE PENALTY O $75.08, PLUS THE REGULAR FEE OF $75.08, FOR A TOTAL OF 150.16 DUE TO THE DEPARTMENT.

APPEAL NO. 89-206

(8) *HOWARD JOW, Appellant*
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on September 1, [1989, of permit to [Erect a Structure [at 312 - 4th Avenue. [APPLICATION NO. 8717902. [FOR HEARING TODAY. (10/

CTION: UPON MOTION OF COMMISSIONER MELBOSTAD, THE BOARD OTED 4-0 TO UPHOLD THE DEPARTMENT AND DENY THE PERMIT. PEAKERS: (A) HOWARD JOW, MADALAINE JOW, HENRY LOUIE D) ROBERT W. PASSMORE (S) JUDITH EARLY, ROSE BECKER, SARA OLIVER, HIROSHI FUKUDA AND JAKE MCGOLDRICK.

M I N U T E S

APPEAL NO. 89-209

9) NATIVIDAD KORDZIEL, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Denial on September 22, 1989, of permit to Alter a Building at 949 Brussels Street. APPLICATION NO. 8908909. FOR HEARING TODAY. (11/1)

TION: THIS MATTER WAS CONTINUED TO THE CALL OF THE CHAIR.
PEAKERS: (D) ROBERT W. PASSMORE (A) NATIVIDAD KORDZIEL

APPEAL NO. 89-210

10) STEPHEN ADAMY, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Denial on September 27, 1989, of permit to Alter a Building at 5420-22 Fulton Street. APPLICATION NO. 8909496. FOR HEARING TODAY. (11/6)

CTION: UPON MOTION OF COMMISSIONER MELBOSTAD, THE BOARD VOTED 3-1 (PRESIDENT MARKS DISSENTED) O OVERRULE THE DEPARTMENT AND GRANT THE PERMIT, FOUR VOTES NEEDED TO OVERRULE THE DEPARTMENT, HE DEPARTMENT IS UPHELD AND THE PERMIT DENIED. SPEAKERS:(D) ROBERT W. PASSMORE (A) DAN DILLON, TEVEN ADAMY.

APPEAL NO. 89-208

(11) BURTON H. ALBERTS, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on September 8, 1989, to Ron Neuman, permit to Erect a Structure at 70 Edgehill Way. APPLICATION NO. 8802128. FOR HEARING TODAY. (10/30)

RIOR TO THE MEETING, THIS MATTER CONTINUED TO THE MEETING F NOVEMBER 1, 1989.

(12) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

O SPEAKERS CAME FORWARD.

HERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, PRESIDENT MARKS ADJOURNED THE MEETING T 8:29 P.M.

Robert H. Feldman

ROBERT H. FELDMAN, EXECUTIVE DIRECTOR

ARD OF PERMIT APPEALS
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San Francisco, CA 94102

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) APPELLANT AND SUPPORTERS
) DEPARTMENT AND SUPPORTERS
) PERMIT HOLDERS AND SUPPORTERS
) DEPARTMENT SUPPORTERS

MINUTES

CONVERNED: 5:04 P.M.
ADJOURNED: 8:28 P.M.

SF
230
13
10/25/89

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, OCTOBER 25, 1989

5:00 P.M., ROOM 282, CITY HALL

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OMMISSIONERS PRESENT: PRESIDENT MARKS, VICE PRESIDENT MAKRAS, COMMISSIONERS HOUSE, MELBOSTAD, ID PRIOR.

() MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:

REQUESTS FOR REHEARING:

ITEM A: Letter from Julie Yang Lee requesting rehearing of Appeal No. 89-200. Hearing October 4, 1989. The appellant had protested the imposition of penalty for work done at 1030 Irving Street. Upon motion of Vice President Makras, the Board voted 5-0 to uphold the department and sustain the penalty. The appellant did not appear nor was she represented at the hearing.

CTION: UPON MOTION OF COMMISSIONER HOUSE, THE BOARD VOTED 5-0 TO REHEAR THIS APPEAL.

ITEM B: Letter from Stephen Adamy requesting rehearing of Appeal No. 89-210. Hearing October 11, 1989. The appellant had requested the denial of permit to alter a building at 5420-22 Fulton Street. Upon motion of Commissioner Melbostad, the Board voted 3-1 to overrule the Department. Four votes needed to overrule the department, the order is upheld and the permit denied. President Marks dissented. Commissioner Prior was absent.

CTION: UPON MOTION OF COMMISSIONER MELBOSTAD, THE BOARD VOTED 5-0 TO GRANT A REHEARING.

REQUEST FOR JURISDICTION BEYOND THE FIFTEEN-DAY APPEAL PERIOD:

ITEM C: Letter from Charles A. Slaton requesting Board to take jurisdiction over permit issued for renovation of property at 61 Moss Street.

Permit issued	August 8, 1989
Appeal period ended	August 23, 1989
Request for jurisdiction received	October 5, 1989

CTION: UPON MOTION OF COMMISSIONER HOUSE, THE BOARD VOTED 3-2 TO TAKE JURISDICTION. (COMMISSIONERS AKRAS AND PRIOR DISSENTED.) FOUR VOTES NEEDED TO TAKE JURISDICTION, THE REQUEST IS DENIED.

(2) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

VICE PRESIDENT MAKRAS COMMENDED THE EFFORTS OF THE BUREAU OF BUILDING INSPECTION DURING THE RECENT EARTHQUAKE.

APPEAL NO. 89-124

(3) KAI-MIN JEN & JACK TSENG, Appellants
vs.
POLICE DEPARTMENT, Respondent

[Denial on June 2, [1989, of permit for a [Massage Establishment, [dba "Fantasy Massage" [at 960 Harrison Street. [FOR REHEARING TODAY.

CTION: THE CHAIR CONTINUED THIS MATTER TO THE MEETING OF OVEMBER 15, 1989, FOR FURTHER HEARING. WRITTEN SUBMITTALS ONLY WILL BE CONSIDERED.

(7/18

MINUTES

APPEAL NO. V89-132

LEONARD GAGE, Appellant
4) vs.
ZONING ADMINISTRATOR, Respondent

[Denial on June 12, 1989, [of Rear Yard Variance [Sought for property [located at 610 Oak Street. [VARIANCE CASE NO. 89.036V. [FOR FURTHER HEARING TODAY. (8/2)

CTION: UPON MOTION OF COMMISSIONER PRIOR, THE BOARD VOTED -0 TO OVERRULE THE ZONING ADMINISTRATOR AND GRANT THE ARIANCE SUBJECT TO THE CONDITION THAT THE DIMENSIONS ONFORM TO REVISIONS AS SHOWN ON SHEET A-1 DATED OCTOBER 1, 1989. SPEAKERS: (A) WILLIAM BAILEY

APPEAL NO. V89-199

ROBERT L. MC CURN, Appellant
5) vs.
ZONING ADMINISTRATOR, Respondent

[Denial on August 25, 1989, [of Rear Yard, Usable Open [Space and Exposure of a [Dwelling Unit Variances [Sought, for property located [at 1111 Plymouth Avenue. [VARIANCE CASE NO. 89.088V. [FOR FURTHER HEARING TODAY. (10/15

CTION: UPON MOTION OF COMMISSIONER MELBOSTAD, THE BOARD OTED 5-0 TO OVERRULE THE ZONING ADMINISTRATOR AND GRANT HE VARIANCES. FINDINGS OF FACT ADOPTED. SPEAKER: A) ROBERT MCCURN.

APPEAL NO. 89-197

JOHN C. LAKE, Appellant
6) vs.
POLICE DEPARTMENT, Respondent

[Revocation on August 31, [1989, of permit to [operate Taxi Cab. [FOR HEARING TODAY. (10/15

APPEAL CONTINUED FOR HEARING TO NOVEMBER 1, 1989, AT THE REQUEST OF THE APPELLANT.

APPEAL NO. 89-211

THUY-PHUONG THI DOAN, Appellant
7) vs.
POLICE DEPARTMENT, Respondent

[Denial on September 20, [1989, of permit to [operate as a masseuse at [at 1020 Geary Street. [FOR HEARING TODAY. (11/8)

APPEAL CONTINUED TO NOVEMBER 1, 1989, AT THE REQUEST OF JERRY AKINS, ESQ. OF THE POLICE DEPT.

APPEAL NO. 89-216

EVAN WHITE, Appellant
(8) vs.
DEPT. PUBLIC WORKS, Respondent

[Imposition of Penalty [on September 26, 1989, [for work done at [873-75-77 Vallejo Street. [APPLICATION NO. 8914652. [FOR HEARING TODAY. (11/1

PRIOR TO HEARING THIS APPEAL, COMMISSIONER MELBOSTAD REQUESTED TO BE EXCUSED FROM HEARING THE CASE DUE TO A CONFLICT OF INTEREST. UPON MOTION OF COMMISSIONER PRIOR, THE BOARD VOTED 4-0 TO EXCUSE COMMISSIONER MELBOSTAD. ACTION: UPON MOTION OF COMMISSIONER HOUSE, THE BOARD VOTED 4-0 TO REDUCE THE PENALTY TO $75.08, PLUS THE REGULAR FEE OF $75.08, FOR A TOTAL OF $150.16 DUE TO THE DEPARTMENT. SPEAKERS: (A) EVAN WHITE (D) LAWRENCE KORNFIELD, CHIEF, DPW.

APPEAL NO. 89-119

SHAIKH & FATIMA USMAN, Appellants
(9) vs.
DEPT. PUBLIC WORKS, Respondent

[Denial on June 5, [1989, of permit to [Alter a Building [at 166 Turk Street. [APPLICATION NO. 8904434. [FOR HEARING TODAY. (7/15)

CONTINUED TO NOVEMBER 29, 1989, AT THE REQUEST OF THE APPELLANT.

MINUTES

APPEAL NO. 89-217

(10) TOM MC GEE, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on September 27, [1989, of permit to [Alter a Building at [3004 Sacramento Street. [APPLICATION NO. 8917233. [FOR HEARING TODAY. (11/1

ACTION: UPON MOTION OF COMMISSIONER PRIOR, THE BOARD VOTED 5-0 TO OVERRULE THE DEPARTMENT AND GRANT THE PERMIT
SPEAKERS: (A) BARBARA E. HERZIG, ESQ. (D) LAWRENCE KORNFIELD, DPW.

APPEAL NO. 89-212

(11) ELIZABETH LIPPITT, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on [September 20, 1989, to [Mr./Mrs. Hartati Murdaya, [permit to Alter a Building [at 2418 Pacific Avenue. [APPLICATION NO. 8903977. [FOR HEARING TODAY. (11/

CONTINUED TO NOVEMBER 15, 1989, AT REQUEST OF ARCHITECT FOR PERMIT HOLDER.

Items 12A and 12B shall be heard together.

APPEAL NO. 89-213

(12A) T. C. DURKIN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on [September 19, 1989, to [Pennisi Muriel Life [Estate, permit to [Alter a Building at [1771 - 17th Avenue. [APPLICATION NO. 8810940. [FOR HEARING TODAY. (11/

ACTION: UPON MOTION OF VICE PRESIDENT MAKRAS, THE BOARD VOTED 5-0 TO GRANT THE PERMIT SUBJECT TO THE CONDITION THAT RAIL AROUND THE DECK BE CONSTRUCTED AS AN OPEN GRILLED GUARD RAIL TO MEET THE MINIMUM REQUIREMENT OF THE CODE.
SPEAKERS: (A) JOHN VOLZ, MARTHA PATTON, TOM DURKIN (P) MARTIN PENNISI, WILLIAM STARKE AND MURIEL PENNISI. (D) LAWRENCE KORNFIELD, DPW.

APPEAL NO. 89-214

(12B) JOHN C. VOLZ & MARTHA S. PATTON, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on [September 19, 1989, to [Pennisi Muriel Life [Estate, permit to [Alter a Building at [1771 - 17th Avenue. [APPLICATION NO. 8810940. [FOR HEARING TODAY. (11/

SEE ABOVE DECISION.

APPEAL NO. 89-215

(13) DONNA B. LEVITT, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on [September 21, 1989, to [Mile Rock Brewery, permit [to Alter a Building at [316 - 11th Avenue. [APPLICATION NO. 8810940. [FOR HEARING TODAY. (11/

ACTION: UPON MOTION OF VICE PRESIDENT MAKRAS, THE BOARD VOTED 5-0 TO UPHOLD THE DEPARTMENT AND GRANT THE PERMIT.
SPEAKERS: (A) DONNA LEVITT (P) JOHN MARTIN (D) ROBERT W. PASSMORE, ZONING ADMINISTRATOR.

(14) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

NO SPEAKERS CAME FORWARD.

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, PRESIDENT MARKS ADJOURNED THE MEEETING AT 8:12 p.m.

Robert H. Feldman

ROBERT H. FELDMAN, EXECUTIVE DIRECTOR

TRANSCRIPTS OF THESE HEARINGS MAY BE OBTAINED FROM DORIS LEVINE, OFFICIAL COURT REPORTER. TELEPHONE (415) 456-9899.

BOARD OF PERMIT APPEALS
Room 154-A City Hall
San Francisco, CA 94102

PO
#1 11/1/89 cv

MEETING OF THE BOARD OF PERMIT APPEALS

() PERMIT HOLDERS AND SUPPORTERS
() DEPARTMENT SUPPORTERS
() APPELLANT AND SUPPORTERS
() DEPARTMENT AND REPRESENTATIVES

WEDNESDAY, NOVEMBER 1, 1989
5:00 P.M., ROOM 282, CITY HALL

CONVENE: 5:08 p.m.
ADJOURN: 9:35 P.M.

MINUTES

NOV 22 1989
SAN FRANCISCO

() **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUEST FOR JURISDICTION BEYOND THE FIFTEEN-DAY APPEAL PERIOD:

ITEM A: Letter from Mr. Chan Tu Loi requesting the Board take jurisdiction over Health permit application for restaurant at 2228 Irving Street.

Permit issued	October 6, 1989
Appeal period ended	October 21, 1989
Request for jurisdiction received	October 25, 1989

ACTION: UPON MOTION OF VICE PRESIDENT MAKRAS, THE BOARD VOTED 5-0 NOT TO GRANT JURISDICTION.

ADOPTION OF FINDINGS OF FACT:

ITEM B: Appeal No. 89-160. Hearing October 4, 1989. Upon motion of Commissioner Melbostad, the Board voted 5-0 to overrule the Zoning Administrator and grant the variances subject to a condition.

ACTION: UPON MOTION OF COMMISSIONER HOUSE, THE BOARD VOTED 5-0 TO ADOPT THE FINDINGS OF FACT.

(2) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

PRESIDENT MARKS COMMENTED ON CURRENT PENDING LEGISLATION COVERING EMERGENCY BUILDING PERMITS. EXECUTIVE DIRECTOR FELDMAN GAVE A COMPREHENSIVE REPORT OF HIS MEETING EARLIER IN THE DAY WITH TOM JONES, HOUSING CONSULTANT TO THE MAYOR'S OFFICE OF HOUSING. THIS MEETING CONCERNED THE PRESENT STATUS OF THE LEGISLATION. OTHER SPEAKERS: ANDY FORREST, EDITH MCMILLAN AND JOE O'DONOGHUE.

APPEAL NO. 89-197

(3) JOHN C. LAKE, Appellant
vs.
POLICE DEPARTMENT, Respondent

[Revocation on August 31, 1989, of Driver Public Vehicle permit dba "Veteran's Cab Company" at 1501 Harrison Street. FOR HEARING TODAY. (10/

ACTION: CONTINUED TO NOVEMBER 29, 1989, FOR HEARING AT THE REQUEST OF THE POLICE DEPARTMENT.

APPEAL NO. 89-211

(4) THUY-PHUONG THI DOAN, Appellant
vs.
POLICE DEPARTMENT, Respondent

[Denial on September 20, 1989, of masseuse permit dba "Sophia's Spa" at 1020 Geary Street. FOR HEARING TODAY. (11/

ACTION: UPON MOTION OF PRESIDENT MARKS, THE BOARD VOTED 4-1 TO OVERRULE THE DEPARTMENT AND GRANT THE PERMIT (COMMISSIONER PRIOR DISSENTED). SPEAKERS: (D) JERRY AKINS, ESQ, POLICE ATTORNEY, SGT ROBERT ABEL OF THE EMERYVILLE POLICE DEPARTMENT, OFFICER O'SHEA AND SGT CURRAN OF THE SAN FRANCISCO POLICE DEPARTMENT, JUDITH BOYAJIAN, ESQ, CITY ATTORNEYS OFFICE (A) THOMAS STEELE, ESQ. FOR THUY-PHUONG THI DOAN.

PRIOR TO HEARING THE FOLLOWING POLICE MATTERS, DORIS LEVINE, THE OFFICIAL COURT REPORTER SWORE IN THOSE WHO WERE TO TESTIFY.

APPEAL NO. 89-219

(5) DOROTHY I. CHAO, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Appealing for Refund of Penalty Imposed on October 6, 1989, for work done at 3173 - 21st Street. APPLICATION NO. 8912832. FOR HEARING TODAY. (1

ACTION: UPON MOTION OF COMMISSIONER HOUSE THE BOARD VOTED 4-1 (COMMISSIONER MELBOSTAD DISSENTED) TO UPHOLD THE DEPARTMENT AND SUSTAIN THE PENALTY. SPEAKERS: (A) DOROTHY I. CHAO AND JOSEPH ORTEN (D) LAWRENCE KORNFIELD, CHIEF BUILDING INSPECTOR, DEPARTMENT OF PUBLIC WORKS.

MINUTES

APPEAL NO. 89-223

GREGORY LI, Appellant
5) vs.
DEPT. PUBLIC WORKS, Respondent

[Appealing for Refund
[of Penalty Imposed
[on October 11, 1989,
[for work done at
[2841 Sacramento Street.
[APPLICATION NO. 8903827.
[FOR HEARING TODAY. (11/2

ACTION: UPON MOTION OF VICE PRESIDENT MAKRAS, THE BOARD VOTED 5-0 TO UPHOLD THE DEPARTMENT AND SUSTAIN THE PENALTY.

APPEAL NO. 89-221

CLYDE STEINER, Appellant
7) vs.
DEPT. PUBLIC WORKS, Respondent

[Appealing for Refund
[of Penalty Imposed
[on October 16, 1989,
[for work done at
[3355-57-59 - 21st St.
[APPLICATION NO. 8917465.
[FOR HEARING TODAY. (11/2

ACTION: UPON MOTION OF VICE PRESIDENT MAKRAS, THE BOARD VOTED 5-0 TO UPHOLD THE DEPARTMENT AND SUSTAIN THE PENALTY. SPEAKERS: (A) CLYDE STEINER (C) LAWRENCE KORNFIELD, DPW.

APPEAL NO. 89-220

HARLAN HOFFMAN, Appellant
(8) vs.
DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on
[October 6, 1989, to
[Clyde Steiner, permit
[to Alter a Building at
[3355-57-59 - 21st St.
[APPLICATION NO. 8917465.
[FOR HEARING TODAY. (11/2

ACTION: UPON MOTION OF COMMISSIONER PRIOR, THE BOARD VOTED 5-0 TO UPHOLD THE DEPARTMENT AND GRANT THE PERMIT SUBJECT TO THE CONDITION THAT THE WINDOW IN QUESTION BE MADE OF STAINED GLASS. SPEAKERS: (A) HARLAN HOFFMAN (O) LAWRENCE KORNFIELD AND ROBERT W. PASSMORE, DEPARTMENT OF CITY PLANNING (P) CLYDE STEINER.

PRESIDENT MARKS RECESSED THE MEETING FROM 7:05 p.m. TO 7:36 P.M.

APPEAL NO. 89-208

BURTON H. ALBERTS, Appellant
(9) vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[September 8, 1989, to
[Ron Neuman, permit to
[Erect a Structure at
[70 Edgehill Way.
[APPLICATION NO. 8802128.
[FOR HEARING TODAY. (10/

ACTION: UPON MOTION OF COMMISSIONER HOUSE, THE BOARD VOTED 5-0 TO UPHOLD THE DEPARTMENT AND GRANT THE PERMIT SUBJECT TO THE CONDITIONS IN THE FILE: LETTER DATED OCTOBER 4, 1989. SPEAKERS: (A) FLORENCE ALBERTS (P) ANDY FORREST

APPEAL NO. 89-222

ROSE O'KEEFE & DAVID BIRNBAUM,
(10) vs. Appellants
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[September 28, 1989, to
[Chik & Susan Fong, permit
[to Alter a Building at
[2006 - 30th Avenue.
[APPLICATION NO. 8819259.
[FOR HEARING TODAY. (11/

THIS PERMIT WAS ASSUMED WITHDRAWN AT THE TIME OF THE HEARING. HOWEVER, THE APPELLANT SUBSEQUENTLY RECONSIDERED DECISION. FURTHER ACTION PENDING.

MINUTES

APPEAL NO. 89-224

(11) LAMBERT YAM & RUBY YANG, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on [October 10, 1989, to [Febe Portillo, permit [to Alter a Building [at 58 Manchester Street. [APPLICATION NO. 8910646. [FOR HEARING TODAY. (11/

ACTION: PRESIDENT MARKS CONTINUED THIS MATTER FOR FURTHER HEARING AT THE MEETING OF NOVEMBER 29,1989.
SPEAKERS: (D) LAWRENCE KORNFIELD (A) TOR KRIEGER

APPEAL NO. 89-226

(12) JEFFREY & DARICE O'NEILL, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on [October 4, 1989, to [Richard Woods, permit [to Alter a Building at [301 El Camino Del Mar. [APPLICATION NO. 8911966. [FOR HEARING TODAY. (11/

ACTION: PRESIDENT MARKS CONTINUED THIS MATTER FOR FURTHER HEARING TO THE MEETING OF NOVEMBER 15, 1989. ORAL TESTIMONY WILL NOT BE TAKEN; WRITTEN SUBMITTALS WILL BE ACCEPTED.
SPEAKERS: (A) DEBRA STEIN, ESQ (D) ROBERT W. PASSMORE, CITY PLANNING (P) ALICE BARKLEY, ESQ. (P) RICHARD WOODS, (A) JEFFREY O'NEILL, BARBARA WITTER, MARY ANN MILLER, SANDY WALKER AND CAROLYN ABST.

APPEAL NO. 89-228

(13) GEORGE & DOROTHY KWAN, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on [October 10, 1989, to Wha [Gon and Linda Ko, permit [to Alter a Building at [716 - 26th Avenue. [APPLICATION NO. 8712554. [FOR HEARING TODAY. (11/

ACTION: UPON MOTION OF VICE PRESIDENT MAKRAS, THE BOARD VOTED 5-0 TO GRANT THE PERMIT SUBJECT TO CONDITIONS.
SPEAKERS: (A) MRS. GEORGE KWAN, GEORGE KWAN, JOHN ANZUR (P) ALBERT KO FOR PARENTS WHA GON AND LINDA KO.
CONDITIONS: PERMIT HOLDER TO REVISE PLANS TO SHOW DELETION OF PRIVATE ENTRY TO FAMILY ROOM AND TO RETAIN INTERIOR STAIR BETWEEN FAMILY ROOM AND UNIT ABOVE. CONDITIONS TO BE RECORDED ON LAND RECORDS.

APPEAL NO. 89-204

(14) PATTY SHIMEK, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Order to Cease Violation [of the Planning Code [dated August 29, 1989, [for property located at [1064-V Oak Street. [APPLICATION NO. 8806973. [FOR HEARING TODAY. (10/

ACTION: APPEAL WITHDRAWN PRIOR TO HEARING BY APPELLANT.

(15) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.
NO SPEAKERS CAME FORWARD.

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, PRESIDENT MARKS ADJOURNED THE HEARING AT 9:35 P.M..

Robert H. Feldman

ROBERT H. FELDMAN, EXECUTIVE DIRECTOR

TRANSCRIPTS OF THESE HEARINGS MAY BE OBTAINED FROM DORIS LEVINE, OFFICIAL COURT REPORTER. TELEPHONE (415) 456-9899.

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11/15/89

MINUTES

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, NOVEMBER 15, 1989

5:00 P.M., ROOM 282, CITY HALL

DOCUMENTS DEPT.
NOV 28 1989
SAN FRANCISCO

Present: President Esther Marks, Vice President Victor Makras, Commissioners Ralph House, Paul Melbostad and Beverly Prior.

1) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUESTS FOR JURISDICTION BEYOND THE FIFTEEN-DAY APPEAL PERIOD:

ITEM A: Letter from Ricardo Alva requesting the Board to take jurisdiction over revocation of Bingo permit for the Mission Language and Vocational School located at 2929-19th Street. The permittee failed to pay the permit fee.

Permit revoked	October 17, 1989
Appeal period ended	November 1, 1989
Request for jurisdiction received	November 3, 1989

Action: After discussion, upon motion by Commissioner Melbostad the Board voted 5-0 to deny the request for jurisdiction.

Speakers: Jerry Akins, attorney for Police Department.

ITEM B: Letter from Carol S. Dietrich requesting the Board to take jurisdiction over permit issued for alterations at 370-372 Lombard Street.

Permit issued	October 16, 1989
Appeal period ended	October 31, 1989
Request for jurisdiction received	November 3, 1989

Action: After discussion, upon motion by Commissioner House the Board voted 5-0 to grant jurisdiction. Ms. Dietrich has fifteen days to file an appeal.

Speakers: None.

ADOPTION OF FINDINGS OF FACT:

ITEM C: Appeal No. 89-211 Hearing November 1, 1989. Upon motion of President Marks, the Board voted 4-1 to overrule the department and grant the permit. Commissioner Prior dissented.

Action: After discussion, upon motion of Commissioner Melbostad the Board voted 5-0 to adopt the findings without amendment.

(2) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

Speakers: Edith McMillan, President Marks and the Executive Director reported on the enactment by the Supervisors of Emergency Permit Processing legislation. Commissioner House reported on the negative impacts of a construction project.

APPEAL NO. 89-124

(3) KAI-MIN JEN & JACK TSENG, vs. POLICE DEPARTMENT, Respondent — Appellants

[Denial on June 2, 1989, of permit for a Massage Establishment, dba "Fantasy Massage" at 960 Harrison Street. FOR REHEARING TODAY. (7/18

Action: After discussion upon motion of President Marks the Board voted 3-2 to uphold denial. V.P. Makras and Commissioner House dissented.

Speakers: Jerry Akins, Esq. for the S.F.P.D., Jerry Klein, consultant, for the permit applicant, Peter Beecher, Steve Rahn and Sharon Grace, neighbors in opposition to the permit.

APPEAL NO. 89-202

(4) GARRY BELENKY, Appellant vs. POLICE DEPARTMENT, Respondent

[Revocation on August 29, 1989, of Driver Public Vehicle permit, dba Allied Cab Company at 1200 Minnesota Street. FOR FURTHER HEARING TODAY. (10/

Action: After discussion, upon motion of V.P. Makras the Board voted 5-0 to overrule the S.F.P.D. and to reinstate the permit on condition that a 90-day suspension in abeyance be imposed.

Speakers: Jerry Akins, Esq. for the S.F.P.D., Officer Linda Flanders of Taxi Detail, Andre Belenky, for appellant, Garry Belenky, appellant.

APPEAL NO. 89-218

ANN ABAD, dba "CHARLIE'S DELI VAN",
vs. Appellant
POLICE DEPARTMENT,
Respondent

[Revocation on September 20, 1989, of permit to operate as a Mobile Caterer at 271 Cotter Street, dba "Charlie's Deli Van". FOR HEARING TODAY. (11/14

Action: Prior to hearing continued to meeting of November 29, 1989 at request of Chris Hall, Esq. on behalf of appellant and with the agreement of the representative of the S.F.P.D.

APPEAL NO. 89-139

FRANK YEE, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on June 20, 1989, to Lino D'Silva, permit to Alter a Building at 1914 Clement Street. APPLICATION NO. 88158115. FOR FURTHER HEARING TODAY. (8/8)

Action: After discussion the appeal was continued to the meeting of December 13, 1989 to allow time for Board to review new submittals.

Speakers: John Thomas, Esq. for Mrs. Timm, a neighbor, Lino D'Silva, Michael Kissinger, Esq. for Mr. D'Silva, Dolores Chin for Frank Yee, Derek Wu, architect for Mr. D'Silva.

APPEAL NO. 89-200

JULIE YANG LEE, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Imposition of Penalty on September 8, 1989, for work done at 1030 Irving Street. APPLICATION NO. 8907443. FOR REHEARING TODAY. (10/18

Action: After discussion upon motion of V. P. Makras the Board voted 5-0 to uphold the penalty.

Speakers: Julie Yang Lee and Frank Chiu, Chief Building Inspector for Bureau of Building Inspection of Department of Public Works.

APPEAL NO. 89-210

STEPHEN ADAMY, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on September 27, 1989, of permit to Alter a Building at 5420-22 Fulton Street. APPLICATION NO. 8909496. FOR REHEARING TODAY. (11/6)

Action: After discussion upon motion of Commissioner Melbostad the Board voted 3-2 to overrule.
Four votes being necessary to overrule a department, the denial is deemed UPHELD.

Speakers: Steve Adamy, Don Francisco, a tenant in support of the appellant, Robert W. Passmore, Zoning Administrator for the Department of City Planning and Frank Chiu, for BBI.

APPEAL NO. 89-226

JEFFREY & DARICE O'NEILL, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on October 4, 1989, to Richard Woods, permit to Alter a Building at 301 El Camino Del Mar. APPLICATION NO. 8911966. FOR FURTHER HEARING TODAY. (11/2

Action: With no discussion upon motion of Commissioner Melbostad the Board voted 5-0 to uphold the permit on condition that the conditions stipulated to by the parties in the letter to the Board dated November 9, 1989 from Alice Barkley, Esq. be imposed.

Speakers: Pamela Duffy, Esq. appearing for Alice Barkley and Debra Stein, consultant appearing for the appellants.

APPEAL NO. 89-212

ELIZABETH LIPPITT, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on September 20, 1989, to Mr./Mrs. Hartati Murdaya, permit to Alter a Building at 2418 Pacific Avenue. APPLICATION NO. 8903977. FOR HEARING TODAY. (11/8

Action: Prior to hearing the matter was continued to meeting of December 6, 1989 at the request of Ms. Lippitt and with the agreement of Richard Hannum, architect and representative of Mr. and Mrs. Murdaya.

APPEAL NO. 89-227

(11) KURT & LILLYANE RIETMANN, Appellants
vs.
HEALTH DEPARTMENT, Respondent
CITY PLANNING APPROVAL

[Appealing condition limiting [operating hours of a bar/ [restaurant at 4207 Judah St., [dba "The Reef", imposed on [October 6, 1989, by City [Planning on Dept. of Public [Health permit to Operate [Food Preparation & Service [Establishment issued to [Kurt and Lillyane Rietmann. [FOR HEARING TODAY. (11/28

Action: None. The appeal was withdrawn by letter from attorney for appellants prior to hearing.

APPEAL NO. 89-225

(12) GEORGE F. HAUSER, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Appealing for Refund [of Penalty Imposed [on October 19, 1989, [for work done at [313 Eureka Street. [APPLICATION NO. 8918516. [FOR HEARING TODAY. (11/28

Action: After discussion, upon motion of Commissioner House the Board voted 4-1 to uphold the department. Commissioner Prior dissented.

Speakers: George Hauser and Frank Chiu, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 89-229

(13) AURA MELENDEZ, Appellant
vs
DEPT. PUBLIC WORKS, Respondent

[Appealing for Refund [of Penalty Imposed [on October 10, 1989, [for work done at [20 Burnside Avenue. [APPLICATION NO. 8917952. [FOR HEARING TODAY. (12/3)

Action: After discussion, upon motion of V.P. Makras the Board voted 4-0 to uphold the department. Commissioner Prior was absent.

Speakers: Aura Melendez and Frank Chiu, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 89-230

(14) ARMINE ELLIS, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Appealing for Refund [of Penalty Imposed [on October 17, 1989, [for work done at [337 Elizabeth Street. [APPLICATION NO. 8905765. [FOR HEARING TODAY. (12/4

Action: After discussion, upon motion of Commissioner Melbostad the Board voted 4-0 to overrule the department and to reduce the penalty to two times the regular fee for a total of $739.70. Comm. Prior absent.

Speakers: Henry Todd, Esq. for appellant, Armine Ellis and Frank Chiu, Chief Building Inspector.

APPEAL NO. 89-231

(15) OSCAR BELISLE, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on October 26, [1989, of permit to [Alter a Building at [1957 - 15th Street. [APPLICATION NO. 8905461. [FOR HEARING TODAY. (12/6

Action: After discussion, upon motion of Commissioner House the Board voted 3-1 to uphold the department. Vice President Makras dissented and Commissioner Prior was absent.

Speakers: Joseph Bravo, Esq. for appellant, Evelyn Belisle, Carlyn Gold, Esq. for two evicted tenants, Larry Kampa, tenant, and Robert Passmore.

APPEAL NO. 89-203

(16) ROBERT S. RIVKIN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on [August 28, 1989, to [Rudolph Koppl, permit [to Alter a Building [at 1770 Broadway St. [APPLICATION NO. 8910463. [FOR HEARING TODAY. (10/2

Action: After discussion, upon motion of V.P. Makras the Board voted 4-1 to uphold the permit on condition the curb cut be reduced to width of 9 feet.

Speakers: Robert Rivkin, Esq. for himself, Dr. Rudolph Koppl, Robert Passmore for Department of City Planning and Frank Chiu for Bureau of Building Inspection.

(17) **Public Comment: Presentation shall be limited to three (3) minutes for each speaker.**

Executive Director and Janice Chinen, clerk, reported to Board on the situation of Jim Ryan, who has served the Board for many years with distinction. Mr. Ryan announced his

intention to retire effective next month. He is presently resting after illness at home. The Board requested that the Executive Director convey to Mr. Ryan their heartfelt best wishes for a speedy recovery and a happy retirement and to say how much they appreciated his efforts on their behalf since their appointment.

There were no other speakers.

The meeting was adjourned at 9:45 P.M.

Robert H. Feldman
Executive Director

Transcripts of these hearings may be obtained from Doris Levine, the Board's Official Court Reporter, telephone (415)456-9899.

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MINUTES OF THE

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, NOVEMBER 29, 1989

5:00 P.M., ROOM 282, CITY HALL

SF

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PRESENT: President Esther Marks, Vice President Victor Makras, Commissioners Ralph House, Paul Melbostad and Beverly Prior.

1) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUESTS FOR JURISDICTION BEYOND THE FIFTEEN-DAY APPEAL PERIOD:

ITEM A: Letter from Peri Drips for the Comic Exchange, 1610 Irving Street, requesting the Board to take jurisdiction over revocation of Permit for Mechanical Amusement Devices. The permittee failed to pay annual permit fee.

Permit revoked	October 17, 1989
Appeal period ended	November 1, 1989
Request for jurisdiction received	November 2, 1989

Action: After discussion on a motion NOT to grant jurisdiction the Board voted 3-2 with Commissioners Melbostad and Prior voting for jurisdiction. Jurisdiction not granted.

ITEM B: Letter from William G. Jonopulos and Laurine A. Jonopulos requesting the Board to take jurisdiction over permit issued for horizontal addition at 1233 Green Street. Application No. 8717914.

Permit issued	October 2, 1989
Appeal period ended	October 17, 1989
Request for jurisdiction received	November 9, 1989

Action: After discussion on a motion by Vice President Makras the Board voted 5-0 NOT to grant jurisdiction. Jurisdiction not granted. The Board directed the Executive Director to contact the requestors and to explain their options.

ADOPTION OF FINDINGS OF FACT:

ITEM C: Appeal No. 88-255. Hearing September 20, 1989. Upon motion of Vice President Makras, the Board voted 4-1 to overrule the department and to grant the permit with a condition requiring plan revision. President Marks dissented.

Action: On a motion by Commissioner House the Board voted 5-0 to adopt the findings as submitted.

(2) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

Speakers: None.

EXECUTIVE SESSION: 4:30 to 5:00P.M. Board met with Deputy City Attorney Judith Boyajian to discuss litigation concerning Appeal No. 89-068, 361 Lombard Street.

APPEAL NO. 89-224

(3) LAMBERT YAM & RUBY YANG, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[October 10, 1989, to
[Febe Portillo, permit
[to Alter a Building
[at 58 Manchester Street.
[APPLICATION NO. 8910646.
[FOR FURTHER HEARING TODAY. (11/25

Action: After discussion on motion by Commissioner House the Board voted 4-1 to UPHOLD the Departments and to grant the permit with conditions as follows: (1) The proposed window shall be at least 36 inches above the floor.(2) The interior window box shall be at least 12 inches deep.(3) Declaration of Use Limitation shall be completed.(4) Provisions of BC 504(d) shall be made a part of the conditions of the permit.

Speakers: Frank Chiu, Chief Building Inspector spoke for the Bureau of Building Inspection and explained window provisions of the BC. Tor Krieger, contractor, spoke for the appellants. Febe Portillo, permit holder, spoke for herself and her husband. Mr. Krieger's letter tc the Board dated November 29, 1989 contained in section 3 B and C language for conditions adopted by Commissioner House in his motion.

APPEAL NO. 89-232

4) PHILIP GUNNING, Appellant
vs.
POLICE DEPARTMENT, Respondent

[Revocation on October 17, [1989, of Dance Hall Keeper [permit at 3565 Geary St. [FOR HEARING TODAY. (12/5)

Action: After discussion on motion by Commissioner Prior the Board voted 4-1 to OVERRULE the department and to reinstate the permit on condition the annual fee be paid.

Speakers: Jerry Akins, civilian attorney for Police Department presented the case for the Police. Philip Gunning represented himself and introduced his bookkeeping staff. Sgt. Tacchini of the S.F.P.D. Permit Bureau explained the permit process.

Items 5A and 5B shall be heard together.

APPEAL NO. 89-234

5A) JOTE KEJELA, Appellant
vs.
POLICE COMMISSION, Respondent

[Appealing decision of the [S.F. Police Commission on [September 20, 1989, to close [out Police Public Convenience [& Necessity Hearing on Taxicab [matters for year 1988. [Police Comm. Res. # 1266-89. [FOR HEARING TODAY. (12/6)

Action: After discussion the Board continued the two appeals to the meeting of December 13, 1989 to allow for a more thorough presentation by the department which hadn't received the submittals of Mr. Kejela. The Board will take additional rebuttals from the parties also at that time. Vice President Makras requested the appellant to present more evidence on the City specifically.

Speakers: Jerry Akins, attorney for the Police presented the case for the department. Officer Linda Flanders explained her report to the Police Commission.(continued below)

APPEAL NO. 89-235

(5B) TSE S. KWAN, Appellant
vs.
POLICE COMMISSION, Respondent

[Appealing decision of the [S.F. Police Commission on [September 20, 1989, to close [out Police Public Convenience [& Necessity Hearing on Taxicab [matters for year 1988. [Police Comm. Res. # 1266-89. [FOR HEARING TODAY. (12/1(

Jote Kejela spoke for himself and for Tse Kwan. He presented his report and other submittals. Yossedek Desta, whose report Mr. Kejela included, spoke as a concerned citizen on behalf of the appeal.

Judith Boyajian, Deputy City Attorney, explained the Police Code provisions allowing these appeals to the Board.

Recess from 7:16 to 7:35.

APPEAL NO. 89-238

(6) JOSEPH T. WOOTTON, Appellant
vs.
POLICE DEPARTMENT, Respondent

[Revocation on October [17, 1989, of Driver [Public Vehicle Permit. [FOR HEARING TODAY. (12/1

Action: After discussion on motion by Vice President Makras the Board voted 5-0 to OVERRULE the department and to reinstate the permit on condition the permit be SUSPENDED for seven (7) days.

Speakers: Jerry Akins, attorney for Police, presented the case for the department. Joseph Wootton represented himself.

APPEAL NO. 89-240

(7) IBRAHIM K. ZUGHBABA, Appellant
vs.
POLICE DEPARTMENT, Respondent

[Suspension on October [26, 1989, of Driver [Public Vehicle permit [dba "Orange Cab Company" [at 785 Mangels Avenue. [FOR HEARING TODAY. (12/1

Action: After discussion upon motion by Vice President Makras the Board voted 5-0 to UPHOLD the department and the suspension and other penalties.

Speakers: Jerry Akins, attorney for the Police presented the case for the department. Ibrahim Zughbaba represented himself.

APPEAL NO. 89-239

TONY LAGORIO, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Appealing for Refund
[of Penalty Imposed
[on November 1, 1989,
[for work done at
[318 - 320 Harriet St.
[APPLICATION NO. 8906450.
[FOR HEARING TODAY. (12/14)

Action: After discussion on motion by Commissioner House the Board voted 5-0 to UPHOLD the department and the penalty imposed.

Speakers: Frank Chiu, Chief Building Inspector, presented the case for the Bureau. Tony Lagorio represented himself.

APPEAL NO. 89-119

SHAIKH & FATIMA USMAN, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent

[Denial on June 5,
[1989, of permit to
[Alter a Building
[at 166 Turk Street.
[APPLICATION NO. 8904434.
[FOR HEARING TODAY. (7/15)

Action: This appeal was continued to January 24, 1990 on the request of the appellant Fatima Shaikh prior the the hearing.

APPEAL NO. 89-233

PERRY FONG, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on October 27,
[1989, of permit to
[Erect a Structure at
[200 Guttenberg Street.
[APPLICATION NO. 8811659.
[FOR HEARING TODAY. (12/6)

Action: After lengthy discussion upon motion by Commissioner Melbostad the Board voted 5-0 to UPHOLD the departments and to DENY the permit.

Speakers: Robert Passmore, Zoning Administrator, represented the Planning Commission. Perry Fong represented himself and his wife. Neighbors in opposition to the project: Jim Koehne, Charles Giles, Dorothy Fosbery, Kenneth Brown, Pedro Viola, Ms. Burciaga, Edith McMillan read letter from Parkside Improvement Club, Lucy Granera, Marion Aird, Dorothy Larson.

APPEAL NO. V89-172

HAROLD DOW, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on July 19, 1989,
[of Rear Yard Variance
[Sought for property
[located at 2070 Green St.
[VARIANCE CASE NO. 89.052V.
[FOR HEARING TODAY. (9/6)

This matter was WITHDRAWN prior to the meeting.

12) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

Speakers: None.

There being no further business the meeting was adjourned at 9:15 P.M.

Robert H. Feldman
Executive Director

Transcripts of these hearings may be obtained from the Official Court Reporter Doris Levine, telephone (415) 456-9899.

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MINUTES OF THE

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, DECEMBER 6, 1989

5:00 P.M., ROOM 282, CITY HALL

DOCUMENTS DEPT.
DEC 11 1989
SAN FRANCISCO

Present: President Esther Marks, Vice President Victor Makras, Commissioners Ralph House, Paul Melbostad and Beverly Prior.

(1) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

ADOPTION OF FINDINGS OF FACT:

ITEM A: Appeal No. 89-124. Rehearing November 15, 1989. Upon motion of President Marks, the Board voted 3-2 to uphold the department and deny the permit. Vice President Makras and Commissioner House dissented.

Action: Unanimously adopted as amended.

2) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

Speakers: None.

APPEAL NO. 89-218

3) ANN ABAD, dba "CHARLIE'S DELI VAN", Appellant
vs.
POLICE DEPARTMENT, Respondent

[Revocation on September 20, 1989, of permit to operate as a Mobile Caterer at 271 Cotter Street, dba "Charlie's Deli Van". FOR HEARING TODAY. (11/14)

Action: After discussion upon motion by Commissioner Prior, the Board voted 5-0 to UPHOLD the Police Department and the revocation.

Speakers: Jerry Akins, attorney for Police Department, Officer Dennis Maffei, Sgt. Steve Tacchini, Christopher Hall, attorney for appellant, Ann Abad, appellant.

APPEAL NO. 89-237

4) BENNY LIZARDO, Appellant
vs.
POLICE DEPARTMENT, Respondent

[Denial on October 26, 1989, of Driver Public Vehicle permit dba "Yellow Cab Company" at 1200 Mississippi St. FOR HEARING TODAY. (12/11)

Action: After discussion upon motion by V.P. Makras, the Board voted 5-0 to UPHOLD the Police and the denial.

Speakers: Jerry Akins, attorney for S.F.P.D. and Officer Paul Makaveckas, Sgt. Steve Tacchini, S.F.P.D. Permit Bureau, and Benny Lizardo, appellant.

APPEAL NO. 89-241

(5) PATTI K. COBB, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Appealing for Refund of Penalty imposed on November 6, 1989, for work done at 3779 - 25th Street. APPLICATION NO. 8913499. FOR HEARING TODAY. (12/15)

Action: After discussion upon motion by V.P. Makras, the Board voted 5-0 to OVERRULE the department and to REDUCE the penalty to two times the regular fee.

Speakers: Patti Cobb, appellant and Frank Chiu, Chief Building Inspector for the Bureau of Building Inspection.

APPEAL NO 89-236

(6) DALE L. ALLEN, JR., Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Appealing for Refund of Penalty Imposed on October 31, 1989, for work done at 521 Dewey Boulevard. APPLICATION NO. 8904824. FOR HEARING TODAY. (12/9)

Action: After discussion upon motion by Commissioner House, the Board voted 4-1 to OVERRULE the tment and to REDUCE the penalty to $500.00 plus egular fee. Commissioner Prior dissented.

s: Officer Dale Allen, S.F.P.D., appellant and Frank Chiu, Chief Building Inspector.

APPEAL NO. 89-242

ROGER ALLEN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Imposition of Penalty
[on November 7, 1989,
[for work done at
[175 Fair Oaks Street.
[APPLICATION NO. 8917173.
[FOR HEARING TODAY. (12/17)

Action: Continued to meeting of January 3, 1990 on request of appellant prior to hearing.

APPEAL NO. 89-212

ELIZABETH LIPPITT, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[September 20, 1989, to
[Mr./Mrs. Hartati Murdaya,
[permit to Alter a Building
[at 2418 Pacific Avenue.
[APPLICATION NO. 8903977.
[FOR HEARING TODAY. (11/8)

Action: After discussion upon motion by Commissioner Prior, the Board voted 5-0 to UPHOLD the departments and to GRANT the permit.

Speakers: Robert Passmore, Zoning Administrator for City Planning, Elizabeth Lippitt, appellant, Mrs. Hartati Murdaya, permit holder, Richard Hannum, architect for Mrs. Murdaya, Moira Burke and Irvin Bussing for the appellant.

APPEAL NO. 89-247

ALAN S. OVSON & SUSAN COLE,
vs. Appellants
DEPT. PUBLIC WORKS,
Respondent
CITY PLANNING APPROVAL
BUREAU OF BUILDING INSPECTION APPROVAL

[Appeal of Correction
[Notice by the Bureau
[of Building Inspection
[on November 9, 1989,
[requiring provision of
[7-foot-6-inch ceiling
[height in lower unit
[at 2819 Pine Street.
[APPLICATION NO. 8911383.
[FOR HEARING TODAY. (12/23)

Action: After discussion upon motion by Commissioner Prior, the Board voted 4-1 to OVERRULE the department and to allow the legalization of the basement unit with ceiling of 7' 3". Vice President Makras dissented.

Speakers: David Gast, architect for appellant, Frank Chiu, Chief Building Inspector, Allan Ovson, permit holder and appellant.

APPEAL NO. 89-244

LUCHA BOTT, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on October 24,
[1989, of permit to
[Alter a Building at
[2351-53 Pacific Ave.
[APPLICATION NO. 8910799.
[FOR HEARING TODAY. (12/18)

Action: After discussion upon motion by Commissioner Melbostad, the Board voted 5-0 to OVERRULE the departments and to GRANT the permit and allow family room in basement without any new stairway.

Speakers: Robert Passmore for City Planning, Larry and Lucha Bott, appellants.

APPEAL NO. 89-245

JAMES CULP, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[October 23, 1989, to
[Liya Kath, permit
[to Alter a Building
[at 1259-61 Folsom St.
[APPLICATION NO. 8902619.
[FOR HEARING TODAY. (12/17)

Action: Continued to December 13, 1989 at request of parties prior to hearing.

APPEAL NO. 89-246

JERRY KLEIN, Appellant
(12) vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[October 25, 1989, to
[Arthur Zanello, permit
[to Erect a Structure
[at 1100 Eddy Street.
[APPLICATION NO. 8819677.
[FOR HEARING TODAY. (12/19)

Action: After discussion upon motion by Vice President Makras, the Board voted 5-0 to UPHOLD the departments and to GRANT the permit.

Speakers: Neil Eisenberg, attorney for appellant requested a continuance. Board conducted hearing since the permit holder wouldn't agree to continue. Bruce Baumann spoke for the permit holder.

APPEAL NO. 89-248

JOHN & GLORIA AGUILERA, Appellant
(13) vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[November 3, 1989, to
[McAley and McDonough,
[permit to Demolish a
[Garage Building at
[290 Melrose Avenue.
[APPLICATION NO. 8919373.
[FOR HEARING TODAY. (12/23)

Action: Continued to meeting of January 10, 1990 at request of Robert Passmore, Zoning Administrator, for re-review of plans for project.

Speakers: Mary Rotunno, attorney for appellants and Thomas McAley, permit holder; Robert Passmore for City Planning.

APPEAL NO. 89-249

RENE PEINADO, Appellant
(14) vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[November 1, 1989, to
[Karen Montgomery, permit
[to Alter a Building at
[2154 Sutter Street.
[APPLICATION NO. 8811954.
[FOR HEARING TODAY. (12/24)

Action: After discussion upon motion by Commissioner Prior, the Board voted 4-1 to UPHOLD the departments and to grant the permit. Commissioner House dissented. CONDITION OF APPROVAL: Plans to be reviewed by Bureau to insure complete Compliance with all provisions of Building Code.

Speakers: Rena Peinado, appellant. Andy Sirkin, project manager for permit holder, Emanuel Pun, engineer for permit holder and Frank Chiu, Chief Building Inspector.

(15) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

Speakers: None.

There being no further business President Marks adjourned the meeting at 8:14 P.M.

Robert H. Feldman, Executive Director

Transcripts of these hearings may be obtained from the Official Court Reporter Doris Levine, telephone (415)456-9899.

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MINUTES OF THE MEETING OF THE BOARD OF PERMIT APPEALS WEDNESDAY, DECEMBER 13, 1989 5:00 P.M., ROOM 282, CITY HALL

PRESENT: President Esther Marks, Vice President Victor Makras, Commissioners Ralph House, Paul Melbostad and Beverly Prior.

(1) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE.**

(2) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

APPEAL NO. 89-139

(3) FRANK YEE, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[June 20, 1989, to
[Lino D'Silva, permit
[to Alter a Building
[at 1914 Clement Street.
[APPLICATION NO. 88158115.
[FOR FURTHER HEARING TODAY.

ACTION: After discussion upon motion by Vice President Makras, the Board voted 4-0 to **UPHOLD** the departments and to grant the permit on **CONDITION** that revised plans submitted to the Board by the permit holder's architect Derek Wu be substituted for the original plans. Commissioner House absent.

SPEAKERS: Laurence Kornfield, Chief Building Inspector of Bureau of Building Inspection, John Thomas, attorney for Mrs. Timm, a neighbor, James Russell, a civil engineer for Mrs. Timm.

APPEAL NO. 89-243

(4) WILLIAM S. HANSON, Appellant
vs.
POLICE DEPARTMENT, Respondent

[Denial on October 26, 1989,
[of Massage Establishment
[permit at 1172 Sutter Street
[dba "Nikki's Oriental Massage".
[FOR HEARING TODAY.

ACTION: Continued prior to hearing to **January 10, 1990** at request of S.F.P.D. with the agreement of the appellant.

APPEAL NO. 89-251

(5) RAKESH SEHGAL, Appellant
vs.
POLICE DEPARTMENT, Respondent

[Revocation on November 13,
[1989, of Driver Public
[Vehicle permit at 1200
[Minnesota Street, dba
["United Cab Company".
[FOR HEARING TODAY.

ACTION: Continued prior to hearing to **January 10, 1990** at request of Joyce Brown, attorney for appellant.

APPEAL NO. 89-255

(6) PERRY BOUSSINA, Appellant
vs.
POLICE DEPARTMENT, Respondent

[Revocation on November 14,
[1989, of Dance Hall Keeper/
[Place of Entertainment permit
[at 3231 Fillmore Street.
[FOR HEARING TODAY.

ACTION: Continued prior to hearing to **January 10, 1990** at request of Jeffrey K. Perkins, attorney for appellant.

APPEAL NO. 89-257

(7) HA THI MANN, Appellant
vs.
POLICE DEPARTMENT, Respondent

[Revocation on November 14,
[1989, of Masseuse permit
[at 931 Kearny Street, dba
["Thailand Health Spa".
[FOR HEARING TODAY.

ACTION: Continued prior to hearing to **January 10, 1990** at request of S.F.P.D. with the agreement of the appellant.

APPEAL NO. 89-252

(8) ROLANDO VICENTE, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Appealing for Refund
[of Penalty Imposed
[on November 16, 1989,
[for work done at
[107 Santa Rosa Ave.
[APPLICATION NO. 8817139.
[FOR HEARING TODAY.

ACTION: After discussion upon motion by Commissioner Prior, the Board voted 3-1 to **UPHOLD** the departments and the penalty. Vice President Makras dissented. Commissioner House absent.

SPEAKERS: Mrs. Rolando Vicente, the wife of the appellant, and Laurence Kornfield, Chief Building Inspector, Bureau of Building Inspection.

APPEAL NO. 89-245

(9) JAMES CULP, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[October 23, 1989, to
[Liya Kath, permit
[to Alter a Building
[at 1259-61 Folsom St.
[APPLICATION NO. 8902619.
[FOR HEARING TODAY.

ACTION: **Withdrawn** by appellant by letter dated December 11, 1989.

APPEAL NO. 89-250

(10) NEIGHBORS OF THE EXCELSIOR,
vs. Appellants
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[November 3, 1989, to
[Louis Stalcar, permit
[to Erect a Structure
[at 632 Persia Street.
[APPLICATION NO. 8810927.
[FOR HEARING TODAY.

ACTION: After discussion upon motion by Commissioner Prior, the Board voted 2-2 to **UPHOLD** the departments and to grant the permit. President Marks and Commissioner Melbostad dissented. Four votes being necessary to overrule to impose conditions, the permit is deemed upheld with no conditions. Commissioner House absent.

SPEAKERS: Marion Aird for Neighbors of the Excelsior, Robert Passmore, Zoning Administrator, the Department of City Planning, Kung Ming Chiu, civil engineer for permit holder, Carol Taylor, Mrs. Mitchell, a neighbor opposing the project and Tom Moore, a resident of the Excelsior also opposing.

APPEAL NO. 89-258

(11) ARTHUR R. CRESSEY, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[November 16, 1989, to
[William O'Brien, permit
[to Demolish a Building
[at 200 Taraval Street.
[APPLICATION NO. 8915316.
[FOR HEARING TODAY.

ACTION: After discussion upon motion by Vice President Makras, the Board voted 4-1 to **UPHOLD** the departments and to grant the permit. Commissioner House voted to overrule. CONDITION: Demolition to be simultaneous with the removal of the underground tanks on the corner lot.

SPEAKERS: Arthur Cressey, Appellant, and Bruce Baumann, agent for permit holder.

APPEAL NO. 89-259

(12) CAROL S. DIETRICH, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on
[October 16, 1989, to
[Earl Dennis, permit to
[Alter a Building at
[370-372 Lombard Street.
[APPLICATION NO. 8912396.
[FOR HEARING TODAY.

ACTION: Continued to **January 3, 1990** at request of the permit holder prior to hearing with the agreement of the appellant.

APPEAL NO. V89-254

(13) STOUFFER HOTEL COMPANY,
vs. Appellant
ZONING ADMINISTRATOR,
Respondent

[Protesting issuance on
[November 14, 1989, to
[Steven Weir, of Rear
[Yard Variance sought
[for property located
[at 897 California St.
[VARIANCE CASE NO. 88.761V.
[FOR HEARING TODAY.

ACTION: After discussion upon motion by Vice President Makras, the Board voted 5-0 to **UPHOLD** the Zoning Administrator and the granting of the variance for the two lowest floors for parking and to **DENY** the variance for the upper residential floors.

SPEAKERS: Steven Vettel, attorney for the appellant, George Mothershedd, agent for the permit holder APC International and Robert Passmore, Zoning Administrator for the Department of City Planning.

(14) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business President Marks adjourned the meeting at 7:15 P.M.

Robert H. Feldman, Executive Director

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